

SB 754 S

FILED

2007 MAR 28 PM 2:39

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 754**

(BY SENATORS KESSLER, OLIVERIO, FOSTER, GREEN,  
HUNTER, MINARD, WELLS, WHITE, BARNES,  
DEEM, HALL AND MCKENZIE)

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[Passed March 7, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §3-8-9 of the Code of West Virginia, 1931, as amended, relating to campaign expenditures; clarifying language on contributions from political committees to certain other political committees; clarifying language regarding expenditures and contributions; prohibiting candidate committees from contributing to another candidate committee except in certain circumstances; and prohibiting political action committees from contributing to other political action committees except in certain circumstances.

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

That §3-8-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.**

**§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.**

1 (a) No financial agent or treasurer of a political  
2 committee shall pay, give or lend, either directly or  
3 indirectly, any money or other thing of value for any  
4 election expenses, except for the following purposes:

5 (1) For rent, maintenance, office equipment and other  
6 furnishing of offices to be used as political headquarters  
7 and for the payment of necessary clerks, stenographers,  
8 typists, janitors and messengers actually employed  
9 therein;

10 (2) In the case of a candidate who does not maintain a  
11 headquarters, for reasonable office expenses, including,  
12 but not limited to, filing cabinets and other office  
13 equipment and furnishings, computers, computer  
14 hardware and software, scanners, typewriters,  
15 calculators, audio visual equipment, the rental of the  
16 use of the same, or for the payment for the shared use of  
17 same with the candidate's business and for the payment  
18 of necessary clerks, stenographers and typists actually  
19 employed;

20 (3) For printing and distributing books, pamphlets,  
21 circulars and other printed matter and radio and

22 television broadcasting and painting, printing and  
23 posting signs, banners and other advertisements,  
24 including contributions to charitable, educational or  
25 cultural events, for the promotion of the candidate, the  
26 candidate's name or an issue on the ballot;

27 (4) For renting and decorating halls for public  
28 meetings and political conventions, for advertising  
29 public meetings and for the payment of traveling  
30 expenses of speakers and musicians at such meetings;

31 (5) For the necessary traveling and hotel expenses of  
32 candidates, political agents and committees and for  
33 stationery, postage, telegrams, telephone, express,  
34 freight and public messenger service;

35 (6) For preparing, circulating and filing petitions for  
36 nomination of candidates;

37 (7) For examining the lists of registered voters,  
38 securing copies thereof, investigating the right to vote  
39 of the persons listed therein and conducting proceedings  
40 to prevent unlawful registration or voting;

41 (8) For conveying voters to and from the polls;

42 (9) For securing publication in newspapers and by  
43 radio and television broadcasting of documents,  
44 articles, speeches, arguments and any information  
45 relating to any political issue, candidate or question or  
46 proposition submitted to a vote;

47 (10) For conducting public opinion poll or polls. For  
48 the purpose of this section, the phrase "conducting of  
49 public opinion poll or polls" shall mean and be limited

50 to the gathering, collection, collation and evaluation of  
51 information reflecting public opinion, needs and  
52 preferences as to any candidate, group of candidates,  
53 party, issue or issues. No such poll shall be deceptively  
54 designed or intentionally conducted in a manner  
55 calculated to advocate the election or defeat of any  
56 candidate or group of candidates or calculated to  
57 influence any person or persons so polled to vote for or  
58 against any candidate, group of candidates, proposition  
59 or other matter to be voted on by the public at any  
60 election: *Provided*, That nothing herein shall prevent  
61 the use of the results of any such poll or polls to further,  
62 promote or enhance the election of any candidate or  
63 group of candidates or the approval or defeat of any  
64 proposition or other matter to be voted on by the public  
65 at any election;

66 (11) For legitimate advertising agency services,  
67 including commissions, in connection with any  
68 campaign activity for which payment is authorized by  
69 subdivisions (3), (4), (5), (6), (7), (9) and (10) of this  
70 subsection;

71 (12) For the purchase of memorials, flowers or  
72 citations by political party executive committees or  
73 political action committees representing a political  
74 party;

75 (13) For the purchase of nominal noncash expressions  
76 of appreciation following the close of the polls of an  
77 election or within thirty days thereafter;

78 (14) For the payment of dues or subscriptions to any  
79 national, state or local committee of any political party;

80 (15) For contributions to a county party executive  
81 committee, state party executive committee or a state  
82 party legislative caucus political committee; and

83 (16) For contributions to a candidate committee:  
84 *Provided*, That a candidate committee may not  
85 contribute to another candidate committee except as  
86 otherwise provided by section ten of this article.

87 (b) A political action committee may not contribute to  
88 another political action committee or receive  
89 contributions from another political action committee:  
90 *Provided*, That a political action committee may receive  
91 contributions from its national affiliate, if any.

92 (c) Every liability incurred and payment made shall be  
93 for the fair market value of the services rendered.

94 (d) Every advertising agency subject to the provisions  
95 of this article shall file, in the manner and form  
96 required by section five-a of this article, the financial  
97 statements required by section five of this article at the  
98 times required therein and include therein, in itemized  
99 detail, all receipts from and expenditures made on  
100 behalf of a candidate, financial agent or treasurer of a  
101 political party committee.

102 (e) Any candidate may designate a financial agent by  
103 a writing duly subscribed by him which shall be in such  
104 form and filed in accordance with the provisions of  
105 section four of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Ed White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell Holme*  
.....  
Clerk of the Senate

*Paige A. Soy*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *28th* Day of *March* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:30