

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 628**

5 (SENATORS UNGER, SNYDER, HALL, BROWNING, KESSLER (MR. PRESIDENT) AND KLEMPA,  
6 *original sponsors*)

7 \_\_\_\_\_  
8 [Passed March 10, 2012; in effect ninety days from passage.]  
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10  
11 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new section, designated §3-8-2c, relating to  
13 funding for state executive party headquarters; defining  
14 terms; allowing funds to be raised; providing for allowable  
15 uses of the funds and prohibitions; setting certain  
16 fundraising limits; requiring reports; and requiring  
17 legislative rules.

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

19 That the Code of West Virginia, 1931, as amended, be amended  
20 by adding thereto a new section, designated §3-8-2c, to read as  
21 follows:

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

23 **§3-8-2c. Party headquarters committee; detailed accounts and**  
24 **verified financial statements; funding for**  
25 **headquarters; limitations; reporting requirements.**

1 (a) Notwithstanding the definitions contained in section one-a  
2 of this article, for purposes of this section:

3 (1) "Contribution" means a gift, subscription, loan,  
4 assessment, payment for services, dues, advance, donation, pledge,  
5 contract, agreement, forbearance or promise of money or other  
6 tangible thing of value, whether conditional or legally  
7 enforceable, or a transfer of money or other tangible thing of  
8 value to a person, made for the purpose of funding the rental,  
9 purchase, construction or financing of the lease, purchase or  
10 construction of a party headquarters, and for the utilities,  
11 maintenance, furniture, fixtures and equipment for the party  
12 headquarters. An offer or tender of a contribution is not a  
13 contribution if expressly and unconditionally rejected or returned.  
14 A contribution does not include volunteer personal services  
15 provided without compensation: *Provided*, That a nonmonetary  
16 contribution is to be considered at fair market value for reporting  
17 requirements and contribution limitations.

18 (2) "Party headquarters" means a physical structure or  
19 structures that is the physical location of the office of a state  
20 executive committee of a political party.

21 (3) "Party headquarters committee" includes any person,  
22 organization or group of persons soliciting or receiving  
23 contributions for the purpose of funding the lease, purchase,  
24 construction or financing of the lease, purchase or construction of  
25 a party headquarters, including utilities, maintenance, furniture,  
26 fixtures and equipment for the party headquarters.

1 (b) A political party may establish a party headquarters  
2 committee to solicit and receive contributions for the exclusive  
3 purpose of the purchase, construction or lease of an office  
4 building or financing of the lease, purchase or construction of a  
5 party headquarters, including utilities, maintenance, furniture,  
6 fixtures and equipment, to be used as a state political party's  
7 headquarters.

8 (c) Contributions received pursuant to this section may not be  
9 expended for:

10 (1) The purchase, construction or lease of satellite offices  
11 or other facilities;

12 (2) Utilities, maintenance, furniture, fixtures, equipment or  
13 signage for satellite offices or other facilities; or

14 (3) Political purposes.

15 (d) A party headquarters committee may not accept  
16 contributions in excess \$10,000, in the aggregate, from any person  
17 for the purposes of this section.

18 (e) A party headquarters committee may not receive  
19 contributions or make expenditures for the purpose of funding the  
20 rental, purchase, construction or financing of a state executive  
21 committee headquarters in excess of \$1 million.

22 (f) (1) A party headquarters committee, financial agent or any  
23 person or officer acting on behalf of the committee that is subject  
24 to the provisions of this section, shall file a verified financial  
25 statement with the Secretary of State, on a form prescribed by the  
26 secretary, within ninety days of any contribution or expenditure in

1 excess of \$250.

2 (2) Each financial statement shall contain, but is not limited  
3 to, the following information:

4 (A) The name, residence and mailing address and telephone  
5 number of the party headquarters committee, financial agent or any  
6 person or officer acting on behalf of the committee, filing the  
7 financial statement.

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

11 (C) The name of any person making a contribution, the amount  
12 of the contribution, and the residence and mailing address of the  
13 contributor.

14 (D) The total amount of contributions received during the  
15 period covered by the financial statement.

16 (E) The name, residence and mailing address of any individual  
17 or the name and mailing address of each lending institution making  
18 a loan, the amount of any loan received, the date and terms of the  
19 loan, including the interest and repayment schedule, and a copy of  
20 the loan agreement.

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

1 end of the period.

2 (G) The total outstanding balance of all loans at the end of  
3 the period.

4 (H) The name, residence and mailing address of any person to  
5 whom each expenditure was made or liability incurred, together with  
6 the amount and purpose of each expenditure or liability incurred  
7 and the date of each transaction.

8 (I) The total amount of expenditures made during the period  
9 covered by the financial statement.

10 (3) The Secretary of State shall file and retain the  
11 statements as public records for not less than six years.

12 (g) Contributions received by a party headquarters committee  
13 may be contributed to any educational, cultural or charitable  
14 organization.

15 (h) The Secretary of State shall propose rules for legislative  
16 approval in accordance with the provisions of article three,  
17 chapter twenty-nine-a of this code to effectuate the provisions of  
18 this section.