

H. B. 2588

(By Delegates E. Nelson, Lane, Howell, Kurcaba, O'Neal, Westfall,
McCuskey, Byrd, Gearheart, Storch and Espinosa)

[Introduced February 4, 2015; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §3-8-5b of the Code of West Virginia, 1931, as amended, relating to the filing of financial statements with the Secretary of State; providing that these must be an electronic format; and providing for exceptions in the case of hardship.

Be it enacted by the Legislature of West Virginia:

That §3-8-5b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-5b. Where financial statements shall be filed; filing date prescribed.

(a) The financial statements provided for in this article shall be filed, by or on behalf of candidates, with:

(1) The Secretary of State for legislative offices and for statewide and other offices to be nominated or elected by the voters of a political division greater than a county;

(2) The clerk of the county commission by candidates for offices to be nominated or elected by the voters of a single county or a political division within a single county; or

1 (3) The proper municipal officer by candidates for office to be nominated or elected to
2 municipal office.

3 (b) ~~The statements may be filed by mail, in person, or by facsimile or other electronic means~~
4 ~~of transmission: *Provided, That the financial statements filed by or on behalf of candidates for*~~
5 ~~Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture~~
6 ~~and Supreme Court of Appeals shall be filed electronically by the means of an Internet program to~~
7 ~~be established by the Secretary of State on forms or in a format prescribed by the Secretary of State:~~
8 ~~*Provided, That a committee may apply for an exemption, in case of hardship, pursuant to subsection*~~
9 ~~*(c) of this section.*~~

10 (c) Committees required to report electronically may apply to the State Election Commission
11 for an exemption from mandatory electronic filing in the case of hardship. An exemption may be
12 granted at the discretion of the State Election Commission.

13 (d) For purposes of this article, the filing date of a financial statement shall, in the case of
14 mailing, be the date of the postmark of the United States Postal Service, and in the case of hand
15 delivery or delivery by facsimile or other electronic means of transmission, the date delivered to the
16 office of the Secretary of State or to the office of the clerk of the county commission, in accordance
17 with the provisions of subsection (a) of this section, during regular business hours of ~~such~~ that office.

18 (e) The sworn financial statements required to be filed by this section with the Secretary of
19 State shall be posted on the Internet by the Secretary of State within ten business days from the date
20 the financial statement ~~was~~ is filed.

NOTE: The purpose of this bill is to require financial disclosure forms to be filed with the Secretary of State electronically. Committees claiming hardship can request an exemption.

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