

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 2588

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WESTFALL, MCCUSKEY, BYRD, GEARHEART, STORCH AND
ESPINOSA

[Introduced January 13, 2016; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-5b of the Code of West Virginia, 1931, as amended,
 2 relating to the filing of financial statements with the Secretary of State; providing
 3 that these must be in an electronic format; providing for exceptions in instances
 4 where a candidate has been unable to file the financial statement, and, providing
 5 for exceptions in the case of hardship.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

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

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

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

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

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

9 (b) The statements may be filed by mail, in person, or by facsimile or other
 10 electronic means of transmission: *Provided*, That the financial statements filed by or on
 11 behalf of candidates for Governor, Secretary of State, Attorney General, Auditor,
 12 Treasurer, Commissioner of Agriculture and Supreme Court of Appeals shall be filed
 13 electronically by the means of an Internet program ~~to be~~ that has been established by the
 14 Secretary of State on forms or in a format prescribed by the Secretary of State: *Provided*,

15 however, that after January 1, 2018, unless a committee has been granted an exemption
16 in case of hardship pursuant to subsection (c) of this section, all such statements required
17 to be filed with the Secretary of State, on or behalf of a candidate for any elective office,
18 shall be filed electronically. If through or by no fault of the candidate, the candidate is
19 unable to file the campaign financial statement, the candidate shall then file the campaign
20 financial statement by certified mail, postmarked at the first reasonable opportunity.

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

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

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