WEST virginia legislature

2021 regular session

Committee Substitute

for

House Bill 2372

By Delegates Howell, B. Ward, Paynter, Barrett, Martin, Phillips, Mandt, Statler, J. Pack, Graves and Pinson

[Introduced February 13, 2021; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §3-8-5e of the Code of West Virginia, 1931, as amended, relating to modifying the date to file pre-candidacy registration papers to the day after a general election is held.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. regulation and control of elections.

**§3-8-5e. Pre-candidacy financing and expenditures.**

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any public office or position to be determined by public election, to receive contributions or make expenditures, or both personally or by another individual acting as a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a candidate: *Provided*, That, an individual may file pre-candidacy papers the day after a general election is held: *Provided, however*, That such contributions may be received and such expenditures made only during the four years immediately preceding the term for which such person may be a candidate or during the ~~term of office~~ period immediately preceding the term for which such person may be a candidate, whichever is less: *Provided, ~~however~~ further*, That no person is disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, shall designate himself or another individual to act as a treasurer and shall file a designation of treasurer in the manner provided in §3‑8‑4 of this code before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of treasurer shall be reported in accordance with the provisions of §3‑8‑5 of this code regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or herself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him or her, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by §3‑8‑5 of this code.

(d) Regardless of whether such person becomes a candidate as originally intended, becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and campaign expenditures applicable to the candidacy of or advocacy of the candidacy of such person for the office he or she actually seeks shall be applicable to and inclusive of the receipts had and expenditures made during such pre-candidacy period as well as after the person becomes a candidate.

NOTE: The purpose of this bill is to allow for candidates to file pre-candidacy papers the day after a general election.

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