

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2372

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MARTIN, PHILLIPS, MANDT, STATLER, J. PACK, GRAVES
AND PINSON

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

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

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

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

19 (c) A person who receives a contribution who is acting for and by himself or herself or as
20 treasurer or agent for another pursuant to the provisions of this section shall keep detailed

21 accounts of every sum of money or other thing of value received by him or her, and of all
22 expenditures and disbursements made, and liabilities incurred, in the same manner as such
23 accounts are required by §3-8-5 of this code.

24 (d) Regardless of whether such person becomes a candidate as originally intended,
25 becomes a candidate for some office other than the office or position originally intended, or does
26 not become a candidate, all limits on campaign contributions and campaign expenditures
27 applicable to the candidacy of or advocacy of the candidacy of such person for the office he or
28 she actually seeks shall be applicable to and inclusive of the receipts had and expenditures made
29 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.