

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2817

By Delegates Funkhouser, Flanigan, Ridenour, Horst,
and Linville

[Introduced February 24, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended, relating to
2 modifying the requirements for reporting independent expenditures.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-2. Requirements for reporting independent expenditures.

1 (a) In addition to any other reporting required by the provisions of this chapter, any person
2 who makes independent expenditures ~~in an aggregate amount or value in excess of \$1,000~~ of any
3 sum during a calendar year shall file a disclosure statement, according to the requirements of §3-
4 8-5 of this code, that contains all of the following information:

5 (1) The name of the person making the expenditure;

6 (2) The name of any person sharing or exercising direction or control over the activities of
7 the person making the expenditure;

8 (3) The name of the custodian of the books and accounts of the person making the
9 expenditure;

10 (4) If the person making the expenditure is an entity, the principal place of business of the
11 partnership, corporation, committee, association, organization, or group which made the
12 expenditure;

13 (5) The amount of each independent expenditure during the period covered by the
14 statement and the name of the person to whom the expenditure was made;

15 (6) The elections to which the independent expenditure pertains, the names, if known, of
16 the candidates referred to or to be referred to therein, whether the expenditure is intended to
17 support or oppose the identified candidates, and the amount of the total expenditure reported
18 pursuant to subdivision (5) of this subsection spent to support or oppose each of the identified
19 candidates;

20 (7) The name and address of any person who contributed ~~a total of more than \$1,000~~ any
21 sum of money between the first day of the preceding calendar year, and the disclosure date, and

22 whose contributions were made for the purpose of furthering the expenditure;

23 (8) With regard to the contributors required to be listed pursuant to subdivision (7) of this
24 subsection the statement shall also include:

25 (A) The month, day, and year that the contributions of any single contributor exceeded
26 \$1,000;

27 (B) If the contributor is a political action committee, the name and address the political
28 action committee registered with the Secretary of State, county clerk, or municipal clerk;

29 (C) If the contributor is an individual, the name and address of the individual, his or her
30 occupation, the name and address of the individual's current employer, if any, or, if the individual is
31 self-employed, the name and address of the individual's business, if any;

32 (D) A description of the contribution, if other than money; and

33 (E) The value in dollars and cents of the contribution; and

34 (9) A certification that such independent expenditure was not made in cooperation,
35 consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized
36 committee or agent of such candidate.

37 (b) Any person who makes a contribution for the purpose of funding an independent
38 expenditure under this subsection shall, at the time the contribution is made, provide his or her
39 name, address, occupation, his or her current employer, if any, or, if the individual is self-
40 employed, the name of his or her business, if any, to the recipient of the contribution.

41 (c) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-
42 by-candidate basis, all independent expenditures separately, made by, on behalf of, for, or against
43 each candidate, as reported under this subsection, and shall periodically publish such indices on a
44 timely pre-election basis.

45 (d)(1) Any person or political committee that makes or contracts to make independent
46 expenditures aggregating ~~\$5,000 or more~~ in any sum for any statewide, legislative, or multicounty
47 judicial candidate, or ~~\$500 or more~~ for any county office candidate, single-county judicial

48 candidate, committee supporting or opposing a candidate on the ballot in more than one county, or
49 any municipal candidate on a municipal election ballot, after the 15th day, but more than 12 hours
50 before the date of an election, shall file a report on a form prescribed by the Secretary of State
51 describing the expenditures within 24 hours: *Provided*, That a person making expenditures for any
52 statewide or legislative candidate on or after the 15th day, but more than 12 hours before the day
53 of any election meeting the criteria of this section, but which are subject to the disclosure
54 requirements of §3-8-2b of this code, shall report such expenditures in accordance with the
55 requirements of §3-8-2b of this code and may not file the report otherwise required by this
56 subsection.

57 (2) Any person who files a report under subdivision (1) of this subsection shall file an
58 additional report within 24 hours after each time the person makes or contracts to make
59 independent expenditures ~~aggregating an additional \$5,000 or more~~ in any sum for any statewide,
60 legislative, or multicounty judicial candidate, or \$500 with respect to the same election, for any
61 county office, single-county judicial candidate, committee supporting or opposing a candidate on
62 the ballot in more than one county, or any municipal candidate on a municipal election ballot, as
63 that to which the initial report relates.

64 (e)(1) A person, including a political committee, who makes or contracts to make
65 independent expenditures ~~aggregating \$10,000 or more~~ in any sum at any time, up to and
66 including the 15th day before the date of an election, shall file a report on a form prescribed by the
67 Secretary of State describing the expenditures within 48 hours.

68 (2) Any person who files a report under subdivision (1) of this subsection shall file an
69 additional report within 48 hours after each time the person makes or contracts to make
70 independent expenditures ~~aggregating an additional \$10,000~~ in any sum with respect to the same
71 election as that to which the initial report relates.

72 (f) Any communication paid for by an independent expenditure must include a clear and
73 conspicuous public notice that:

74 (1) Clearly states that the communication is not authorized by the candidate or the
75 candidate's committee; and

76 (2) Clearly identifies the person making the expenditure: *Provided*, That if the
77 communication appears on or is disseminated by broadcast, cable or satellite transmission, the
78 statement required by this subsection must be both spoken clearly and appear in clearly readable
79 writing at the end of the communication.

80 (g) Any person who has spent ~~a total of \$5,000 or more~~ any sum for the direct costs of
81 purchasing, producing, or disseminating electioneering communications during any calendar year
82 shall maintain all financial records and receipts related to such expenditure for a period of five
83 years following the filing of a disclosure pursuant to §3-8-2b of this code and, upon request, shall
84 make such records and receipts available to the Secretary of State or county clerk for the purpose
85 of an audit as provided in §3-8-7 of this code.

86 (h) Any person who willfully fails to comply with this section is guilty of a misdemeanor and,
87 upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one
88 year, or both fined and confined.

89 (i)(1) Any person or political committee who is required to file a statement under this
90 section shall file the statement electronically in accordance with rules promulgated by the
91 Secretary of State.

92 (2) The Secretary of State shall make any document filed electronically, pursuant to this
93 subsection, accessible to the public on the Internet not later than 24 hours after the document is
94 received by the secretary.

95 (3) In promulgating a rule under this subsection, the secretary shall provide methods, other
96 than requiring a signature on the document being filed, for verifying the documents covered by the
97 rule. Any document verified by such methods shall be treated for all purposes, including penalties
98 for perjury, in the same manner as a document verified by signature.

99 (j) This section does not apply to candidates for federal office.

100 (k) The Secretary of State may propose emergency and legislative rules for legislative
101 approval in accordance with §29A-3-1 *et seq.* of this code.

NOTE: The purpose of this bill is to modify the requirements for reporting independent expenditures.

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