

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2013 JAN 23 AM 10:42

SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: §3-8-2c

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 43

TITLE OF RULE BEING PROPOSED: REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCE

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

**TITLE 153
LEGISLATIVE RULE
ELECTION COMMISSION**

FILED

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**SERIES 43
REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCE**

SECRETARY OF STATE

§153-43-1. General.

1.1. Scope. -- This rule clarifies and provides for implementation of state law relating to the regulation of political party headquarters finance, reporting requirements and prohibited activities set forth under W. Va. Code §3-8-2c.

1.2. Authority. -- W. Va. Code §3-8-2c.

1.3. Filing Date. -- _____.

1.4. Effective Date. -- _____.

§153-43-2. Definitions.

For purposes of this rule, the following definitions apply:

2.1. "Filing period" is a quarterly period ending on January 31, April 30, July 31, and October 31 of each year, within which a committee shall file a financial report as required by section 6 of this rule.

2.2. "Committee" is a political party headquarters committee provided for and defined in WV Code §3-8-2c(a)(3) and 3-8-2c(b).

2.3. "Obligated" is expenditures contracted to be paid at some later date.

§153-43-3. Contributions.

3.1. May be made by any individual, corporation, partnership, committee, or association and any other organization or group of individuals.

3.2. Limitations on sources of contributions are as determined in 146 CSR 3, §5.

3.3. Contributions to a committee, either in-kind or monetary, are independent of, and not included in, other aggregate total contribution limitations of Article 8, Chapter 3, of the West Virginia Code.

3.4. Contributions may not be anonymous. Anonymous contributions which cannot be returned because the donor cannot be identified shall be donated to the General Revenue Fund.

3.5. Contributions from any one contributor may not total more than \$50 in United States or other country currency.

3.6. All contributions must be deposited and maintained in an account separate from any other accounts maintained by the committee, political party, treasurer, agent, or other person

acting on behalf of the committee.

§153-43-4. Contribution Limitations.

4.1. No individual, or other identity listed in Section 3.1, may contribute more than \$10,000 in the aggregate.

4.2. The committee may not receive contributions of more than \$1,000,000 in the aggregate.

§153-43-5. Lawful Expenditures.

5.1. Contributions may be expended for purchase, construction or lease of the state headquarters of a political party.

5.2. Contributions may be expended for utilities, maintenance, furniture, fixtures and equipment.

5.3. Contributions may not be used for satellite offices or expenditures related to satellite offices,

5.4. Contributions may not be used for political purposes.

§153-43-6. Contribution and Expenditures Reporting.

6.1. A committee, financial agent or other person or officer acting on behalf of a committee, must file a financial report in the filing period in which the committee first receives any contributions, or makes or obligates any expenditure, totaling \$250 in the aggregate.

6.2. Once an initial report has been filed accordance with §6.1, additional reports must be filed each filing period thereafter until the committee is terminated. The report must be filed even if no contribution has been received, or expenditure made, during the filing period.

6.3. Reports may be filed electronically.

6.4. Reports are to be verified.

6.5. Reports are to be on forms prescribed by the Secretary of State.

§153-43-7. Registration and Termination of Committee; Disposal of Excess Funds.

7.1. Before accepting any contribution or obligating any expenditure, the committee must register with the Secretary of State providing all information required by WV Code §3-8-2c(f)(2)(A).

7.2. A Committee may terminate by filing a notice with the Secretary of State after all obligations have been met and all monies have been distributed.

7.3. Before terminating the committee, any unspent or unobligated funds may be contributed by the committee to any educational, cultural or charitable organization.