

State of West Virginia Electioneering Communications and Last Minute Independent Expenditure Form

(Must be filed when \$5,000 or more is spent on "electioneering communications" as detailed in WV Code §3-8-2b. A "Last Minute" report will be due when \$1,000 is spent on "electioneering communications" within 15 days of an election.)

Name of person making expenditure Tired of Being 50th PAC

Name of the individual in control of the expenditure(s) Daniel Selby

Email address dselby3723@aol.com Telephone _____

Name of the custodian of the books Daniel Selby

Principal place of business and address (Only if the person making the expenditure is not an individual)

Electioneering communication expenditures of more than \$1,000 (as required by WV Code §3-8-2b)

Refers to: (candidate name) Supporting Candidate - Jim Justice for Governor - Communications Date: 11/1/16

Paid to TDM Communicatons

Amount of expenditure \$51,300 Date the expenditure was made 10/28/2016

Election year 2016 Made within (check one):

30 days prior to the Primary Election 60 days prior to the General Election

Refers to: (candidate name) _____

Paid to _____

Amount of expenditure _____ Date the expenditure was made _____

Election year _____ Made within (check one):

30 days prior to the Primary Election 60 days prior to the General Election

Refers to: (candidate name) _____

Paid to _____

Amount of expenditure _____ Date the expenditure was made _____

Election year _____ Made within (check one):

30 days prior to the Primary Election 60 days prior to the General Election

Refers to: (candidate name) _____

Paid to _____

Amount of expenditure _____ Date the expenditure was made _____

Election year _____ Made within (check one):

30 days prior to the Primary Election 60 days prior to the General Election

Contributors totaling more than \$1,000 from the previous calendar year to date
(as required by West Virginia Code §3-8-2b)

| | |
|--|--|
| Name of contributor <u>Shale Energy Alliance</u> | Date the contributor exceeded \$250 <u>11/2/2016</u> |
| Occupation of contributor (if applicable): _____ | |
| Value of the contribution <u>\$25,000</u> | Description of contribution <u>Monetary</u> |
| Address: <u>1209 N. Orange Street</u> | |
| City: <u>Wilmington</u> | State and Zip Code: <u>DE 19801</u> |

| | |
|--|---|
| Name of contributor <u>Arch Coal, Inc.</u> | Date the contributor exceeded \$250 <u>10/31/2016</u> |
| Occupation of contributor (if applicable): _____ | |
| Value of the contribution <u>\$10,000</u> | Description of contribution <u>Monetary</u> |
| Address: <u>One City Place Drive, Ste. 300</u> | |
| City: <u>St. Louis</u> | State and Zip Code: <u>MO 63141</u> |

| | |
|--|---|
| Name of contributor _____ | Date the contributor exceeded \$250 _____ |
| Occupation of contributor (if applicable): _____ | |
| Value of the contribution _____ | Description of contribution _____ |
| Address: _____ | |
| City: _____ | State and Zip Code: _____ |

| | |
|--|---|
| Name of contributor _____ | Date the contributor exceeded \$250 _____ |
| Occupation of contributor (if applicable): _____ | |
| Value of the contribution _____ | Description of contribution _____ |
| Address: _____ | |
| City: _____ | State and Zip Code: _____ |

OATH OR AFFIRMATION

I, _____, swear or affirm that the attached statement is true and correct, to the best of my knowledge, for all financial transactions occurring within the period covered by this statement.

RECEIVED

2016 NOV -4 PM 4:48

Office Use Only

STATE OF WEST VIRGINIA

Signature *David J. Sen*

Date 11-4, 2016

This form must be received in the Secretary of State's Office prior to the close of business to be accepted on that date.

Information on Electioneering Communications

What is an Electioneering Communication?

An "Electioneering Communication" is defined by West Virginia Code §3-8-1a as:

" any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement, or published in any newspaper, magazine or other periodical that:

- (i) Refers to a clearly identified candidate for a statewide office or the Legislature;
- (ii) Is publicly disseminated within:
 - (a) Thirty days before a primary election at which the nomination for office sought by the candidate is to be determined; or
 - (b) Sixty days before a general or special election at which the office sought by the candidate is to be filled; and
- (iii) Is targeted to the relevant electorate."

Excluded from this definition are:

(i) A news story, commentary or editorial disseminated through the facilities of any broadcast, cable or satellite television or radio station, newspaper, magazine or other periodical publication not owned or controlled by a political party, political committee or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee, or candidate is nevertheless exempt if the news is:

(a) A bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility; and

(b) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or listening area;

(ii) Activity by a candidate committee, party executive committee or caucus committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization, in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate which does not mention an election, the office sought by the candidate or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.