

EMERGENCY

LEGISLATIVE RULE

WEST VIRGINIA ADMINISTRATIVE REGULATION

SECRETARY OF STATE

Chapter 3-1A-6
Series VIII.
(1983)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE June 27, 1983
Administrative Law Division

Subject: Precandidacy Financing Distribution of Funds When A Potential
Officeholder Decides Not To Become A Candidate

Section 1. General

1.01. Scope--These regulations establish general rules for the return of excess campaign funds when a potential officeholder decides not to seek public office.

1.02. Authority--These regulations are issued under authority of the West Virginia Code, Chapter 3, Article 1A, Section 6.

1.03. Filing Date--These regulations are promulgated on the 27th day of June, 1983, and are filed on the 27th day June, 1983, in the Office of the Secretary of State.

1.04. Effective Date--These regulations are being promulgated on an emergency basis and become effective on the 27th day of June, 1983.

Section 2. General

2.01. General Purpose--The general purpose of these regulations is to establish an equitable procedure for returning excess campaign funds to contributors when a potential candidate decides not to seek public office.

Section 3. Funds Donated

3.01. Definition--Funds donated "Funds Donated" means all funds, including, but not limited to, gifts, loans, advances, credits or deposits of money which are donated for the purpose of supporting the

activities of a potential candidate, but does not include personal funds of the potential candidate.

3.02. Potential Officeholder--"Potential Officeholder" means an individual undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy.

3.03. Excess Campaign Funds--"Excess Campaign Funds" means amounts of funds donated to a potential officeholder as contributions which he or she does not spend to defray campaign expense in determining the advisability of becoming or preparing to become a candidate under Chapter 3, Article 8, Section 5e, of the West Virginia Code.

Section 4. Return of Excess Campaign Funds

4.01. Excess Campaign Funds--Any potential candidate who has filed as a potential candidate under the provisions of Chapter 3, Article 8, Section 5e, of the West Virginia Code, and fails to file a certificate of candidacy or who fails to become an actual candidate for public office, shall return all excess campaign funds to the person who donated the funds on a pro rata basis within thirty (30) days after determining not to become an actual candidate.