

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

Form #3

Do Not Mark In This Box

FILED

2012 AUG 27 PM 12:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Secretary of State TITLE NUMBER: 153

CITE AUTHORITY: W. Va. Code §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
FINANCING

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Natalie Tennant

Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 8/27/2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

LEGISLATIVE RULE TITLE: Regulation of Political Party Headquarters Financing

1. Authorizing statute(s) citation §3-8-2c

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

7/24/2012

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:

8/24/2012 5:00pm

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____

No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Tim Leach, Assistant Legal Counsel

Building 1, Suite 157-K

1900 Kanawha Blvd., East

Charleston, WV 25305

Phone: 304-558-6000

Fax 304-558-0900

tleach@wvsos.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY OF RULE

REGULATION OF POLITICAL PARTY HEADQUARTERS FINANCING

This new legislative Rule is required to be created by W. Va. Code §3-8-2c. The Rule defines and explains limitations on contributions to a committee authorized to raise money by donations for the purpose of construction, purchase, or leasing of a state party headquarters. The Rule explains restrictions on the uses of the contributions. The Rule creates reporting periods during which all contributions and expenditures must be reported to the Secretary of State.

FISCAL NOTE FOR PROPOSED RULES

Rule Title:

Regulation of Political Party Headquarters Financing

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

West Virginia Secretary of State

Address:

Building 1, Suite 157K
1900 Kanawha Blvd., East

Charleston, WV 25302

Phone Number:

304-558-6000

Email: tteach@wvsos.com**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Creating of additional form required. Review, scanning, and audit of additional report forms. Minimal financial impact expected because only on party anticipates using this process.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	100.00	0.00	0.00
Personal Services	200.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Regulation of Political Party Headquarters Financing

Rule Title:

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Creation of new form, monitoring, scanning, and auditing up to 4 forms per year. Minimal expense and personnel use.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: August 27, 2012

Signature of Agency Head or Authorized Representative

Mattie Clement

**TITLE 153
LEGISLATIVE RULE
ELECTION COMMISSION**

FILED

2012 AUG 27 PM 12:30

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

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
OFFICE OF THE CLERK OF THE SENATE
OFFICE OF THE CLERK OF THE JUDICIAL BRANCH
OFFICE OF THE CLERK OF THE COMPTROLLER OF THE TREASURY
OFFICE OF THE CLERK OF THE 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 date when a financial report is required by §6. The first report shall be filed on January 31, April 30, July 31, and October 31, next following receipt of a contribution, or making of expenditure, in excess of \$250 in the aggregate.

2.2. "Committee" is a political headquarters committee provided for and defined in W. VA. 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 W. Va. 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. Cash 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 in 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.

5.5. 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 in 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 in accordance with §6.1, additional reports must be filed each reporting 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 W. VA. 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.