

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

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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Secretary of State TITLE NUMBER: 153

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2689

SECTION §64-9-7(c), PASSED ON April 13, 2013

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: May 14, 2013



Authorized Signature

**TITLE 153
LEGISLATIVE RULE
ELECTION COMMISSION**

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

§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. -- May 14, 2013.

1.4. Effective Date. -- May 14, 2013.

§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.