

**AGENCY RESPONSES TO PUBLIC COMMENTS TO  
LEGISLATIVE RULE 146 CSR 3  
W. VA. CODE § 29A-3-5**

**Public Comment 1:**

Leadership PACs: WV CSR § 146-3-2.28.2 lists several examples of the types of political action committees (PACs) that can be formed under state law. As you are likely well aware, federal law currently allows for a candidate or office holder to form unaffiliated leadership PACs (separate and apart from the candidate's committee) for the purposes of supporting candidates for various federal and nonfederal offices (<https://www.fec.gov/help-candidates-and-committees/registering-pac/types-nonconnected-pacs/leadership-pacs/>). It would seem that the formation of a similar state-level leadership PAC would not be prohibited under the current W.Va. Code. As such, I would encourage the State Election Commission to clarify the proposed rule to give appropriate guidance as to when and under what circumstances it would be permissible for a state-level candidate or officeholder to establish a leadership PAC similar to what federal candidates and officeholders can currently do in West Virginia under federal law.

**Agency Response 1: Recommendation adopted. See 146-3-2.28.2.e.**

**Public Comment 2:**

Joint Fundraising Agreements: On a related front, the State Election Commission should similarly clarify the circumstances under which a leadership PAC can enter into a Joint Fundraising Agreement with such a PAC under WV CSR § 146-3-13.

**Agency Response 2: As political action committees are permitted to enter into joint fundraising agreements and a leadership PAC is defined as a type of political action committee, it is not necessary to clarify the authority set forth in 146-3-13.**

**Public Comment 3:**

Coordinated Activity: Finally, as leadership PACs specifically contemplate direct or indirect involvement by a candidate or officeholder, the State Election Commission should further clarify how the provisions of WV CSR § 146-3-14 (relating to Coordinated Activity) directly impact the formation and operation of a state-level leadership PAC.

**Agency Response 3: Recommendation adopted. See 146-3-6.5 (as modified) and 146-3-14.8.**