



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Secretary Of State TITLE-SERIES: 153-43
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 153-43 Regulation of Political Party Headquarters Finances

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: WV Code 3-8-2c

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The Secretary of State has authority to provide for the procedures, requirements, and activities of political party headquarters finances.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS:

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

David Cook -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 153
LEGISLATIVE RULE
SECRETARY OF STATE**

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

§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 11, 2022.~~

1.4. Effective Date. -- ~~May 11, 2022.~~

1.5. Sunset Provision. -- This Rule shall terminate and have no further force or effect on ~~August 1, 2027~~ August 1, 2032.

§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 section 6 of this rule. The first report shall be filed between January 1 and 7, April 1 and 7, July 1 and 7, and October 1 and 7, next following receipt of a contribution, or making of an expenditure, in excess of \$250 in the aggregate.

2.2. "Party headquarters committee" or "Committee" as used in this rule as defined in W. Va. Code §3-8-2c(a)(3), includes any person, organization, or group of persons soliciting or receiving contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase, or construction of a party headquarters, including utilities, maintenance, furniture, fixtures, and equipment for the party headquarters, or for a county executive committee's headquarters.

2.3. "Obligated" is means 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~~ or any other organization or group of individuals.

3.2. Limitations on sources of contributions are as determined in 146 CSR 3.

3.3. Contributions to a committee, either in-kind or monetary, are independent of, and not included in, other aggregate total contribution limitations under W. Va. Code § 3-8-1 *et seq*.

3.4. Contributions may not be anonymous. Anonymous contributions ~~which that~~ 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 currency or ~~other country~~ any foreign 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~~ on behalf of the committee.

§153-43-4. Contribution Limitations.

4.1. No individual, or other ~~identity~~ entity 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 the 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.

5.4. 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~~ on 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 expenditures, totaling \$250 in the aggregate.

6.2. Once an initial report has been filed in accordance with Section 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).

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.