

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

RECEIVED
JUL 6 3 35 PM '99
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Secretary of State Election Commission TITLE NUMBER: 146

RULE TYPE: Legislative; CITE AUTHORITY §§3-1A-5, 3-1A-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Regulation of Campaign Finance

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 5, 1999 AT 9:00 am

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., E.
Charleston, WV 25305-0770

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



By J.C. Costo, Deputy Secretary of State

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SUMMARY

TITLE 146, SERIES 3

This legislative rule clarifies and provides for implementation of state law relating to campaign finance, reporting requirements and prohibited activities as specified in West Virginia Code §3-8-1 et seq.

Rule Title: Regulation of Campaign Finance

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

none

C. Economic Impact on Citizens/Public at Large.

none

Date: July 6, 1999

Signature of Agency Head or Authorized Representative

Jan Cate

TITLE 146
LEGISLATIVE RULES
ELECTION COMMISSION

SERIES 3
REGULATION OF CAMPAIGN FINANCE

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARY OF THE HOUSE OF DELEGATES
JUL 3 3 35 PM '99

§146-3-1. General.

1.1. Scope. -- These rules clarify and provide for implementation of state law relating to the regulation of campaign finance, reporting requirements and prohibited activities. See West Virginia Code §3-8-1 et seq.

1.2. Authority. -- W. Va. Code §3-1A-5, §3-1A-6

1.3. Filing Date. -- ~~May 24, 1996~~

1.4. Effective Date. -- ~~June 7, 1996~~

§146-3-2. Definitions.

This section defines terms used in article eight, chapter three of the West Virginia Code and terms used in this rule which are not otherwise defined in chapter three.

2.1. "Ballot issue" means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter adoption or revision, an increase or decrease of corporate limits, or any other question placed before the voters under the provisions of the West Virginia Code.

2.2. "Ballot issue committee" means a political committee established solely for the purpose of advocating or opposing a ballot issue and which makes no expenditures to or on behalf of a candidate, political party or other political committee.

2.3. "Business affiliation" means the name of an individual's employer, or the name of the firm, business or organization, if any, with which a self-employed individual is primarily affiliated.

2.4. "Candidate" means an individual who:

2.4.1. has filed a certificate of announcement §3-5-7 or a municipal charter;

2.4.2. has filed declaration of candidacy under §3-5-23;

2.4.3. has been named to fill a vacancy on a ballot; or

2.4.4. has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election to a state, district, county or municipal office or party office to be filled at any primary, general or special election.

2.5. "Candidate's committee" means a political committee established with the approval of or in cooperation with one pre-candidate or candidate to explore the possibilities of seeking a particular office and/or to advocate his or her nomination or election to an office in one election cycle. If a candidate directs or influences the activities of more than one committee, those committees shall be considered one committee for the purpose of contribution limits.

2.6. "Contribution" means ~~includes~~ a gift subscription, assessment, ~~payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether or not conditional or legally enforceable,~~ or a transfer of money or other tangible thing of value to a person, made for political purposes, as defined herein. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected before it is received or returned within thirty (30) days and not used during that time for political purposes. A contribution does not include volunteer personal services provided without compensation.

2.7. "Election" means any primary, general or special election conducted under the provisions of this code or under the charter of any municipality.

2.8. "Financial agent" is, for the purposes of this rule, an individual designated to act on behalf of one candidate to conduct financial transactions for political purposes on behalf of that candidate.

2.9. "Grossly incomplete or grossly inaccurate" means that a financial statement as defined under Article 8, Chapter 3, Section 5 of the West Virginia Code is missing information required by Article 8, Chapter 3 of the Code and Title 146 of the West Virginia Code of State Rules.

2.10. "Inaugural committee" includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding an inaugural event for an elected state official.

2.11. "Inaugural event" means any event or events held between the date of the general election for a state public office and a date ninety days after the date of the general election, whether the event is sponsored by the inaugural committee or the state political party committee representing the party of the elected official and for which the elected official is a prominent participant or for which solicitations of contributions include the name

of the elected official in prominent display.

2.12. "Nominal noncash expressions of appreciation" shall mean a token of appreciation, having a cash value of three dollars (\$3.00) or less, given to volunteer or paid campaign workers following the close of the polls or within 30 days thereafter.

2.13. "Occupation" means the principal work activity which is described by a general term such as teacher, miner, business executive, homemaker or doctor.

2.14. "Person" means an individual, partnership, committee, association, corporation, and any other organization or group of persons.

2.15. "Political committee" means an association of persons, an organization of any kind, or any two (2) or more persons acting together, wholly or in part, to receive or expend money or other thing of value for political purposes.

This definition shall include but not be limited to political party executive committees, other committees operating in conjunction with a political party or using a political party name, political action committees and any other organizations, whether temporarily or permanently established, using any portion of their funds for political purposes.

This definition shall not include family members or members of a partnership acting together to make joint or individual contributions to a candidate or political committee.

2.16. "Political purposes" means advocating or opposing the nomination, election or defeat of one or more candidates, supporting the administration or activities of an established political party or an organization which has declared itself a political party, supporting the administration or activities of a political committee, advocating or opposing the passage or defeat of a ballot issue, determining the advisability of becoming a candidate under the pre-candidacy financing provisions, and supporting the retirement of the debt of a candidate or political committee incurred for any of the above purposes.

2.17. "Pre-candidate" means, for the purpose of this rule, an individual who has filed a pre-candidacy statement under the provisions of §3-8-5e but has not yet filed a certificate of announcement or declaration of candidacy. This definition does not exclude a pre-candidate from the requirements and prohibitions relating to candidates in West Virginia Code.

2.18. "Solicit" or "solicitation" means the act of asking, suggesting, requiring or inviting, either orally or in writing, a person or persons, organization of any kind, political committee or other entity to give a contribution or other thing of value for political purposes, as defined in this section.

2.19. "Treasurer" means an individual designated to act on behalf of a political committee to conduct the financial transactions of the committee. For the purposes of this rule, the term "treasurer" shall be used in place of "financial agent" as defined in §3-8-4 when the individual acts on behalf of more than one candidate or person.

§146-3-3. Contributions for Primary and General Elections.

This section establishes a means for distinguishing between primary and general election contributions, for the purpose of contribution limits established in §3-8-12(f).

3.1. A contribution to a pre-candidate or pre-candidate's committee is a contribution in connection with a primary election.

3.2. A contribution to a candidate or candidate's committee is a contribution in connection with a primary election in the following circumstances:

3.2.1. For a candidate for nomination or election in the primary or for nomination by petition, all contributions received on or before the primary election day;

3.2.2. For a candidate nominated in the primary election, a contribution received after the primary which is designated in writing on the financial report, with the consent of the contributor, as a contribution for the primary election, providing the aggregate of all such designated contributions do not exceed the total of unpaid bills, loans or other financial obligations incurred for the primary election;

3.2.3. For a candidate defeated for nomination in the primary election, all contributions received after the primary, not to exceed the total of unpaid primary election expenses;

3.2.4. For a candidate for nomination in a party convention, all contributions received on or before the day of that convention.

3.3. A contribution to a candidate or candidate's committee is a contribution in connection with a general or special election in the following circumstances:

3.3.1. For a candidate nominated in a primary election or party convention, all contributions, except those designated as primary contributions under 3.2.2, received after the nomination and not later than the date when all debts, loans or other financial obligations of the general election campaign have been repaid;

3.3.2. For a candidate appointed to fill a vacancy on the general or special election ballot by a party executive committee, all contributions received in connection with the election and not later than the date when all debts, loans or other financial obligations

of the general election campaign have been repaid.

3.4. A contribution to a political committee, other than a candidate's committee, acting for political purposes in both the primary and general election is a contribution:

3.4.1. In connection with a primary election if the contribution is received on or after the last Saturday in March of a non-election year and by the date of the primary election in the following calendar year (for example, from March ~~28~~ 27, ~~1987~~ 1999, to May ~~10~~ 8, ~~1988~~ 2000); and

3.4.2. In connection with a general election if the contribution is received after the date of a primary election and not later than the day before the last Saturday of March of the following calendar year (for example, from May ~~11~~, ~~1988~~ 10, 2000 to March ~~24~~, ~~1989~~ 2001).

3.5. A contribution to a political committee acting for political purposes only in one election is a contribution in connection with that election.

§146-3-4. Contributions for Inaugural Events.

This section clarifies the provisions of §3-8-2a which require the filings of statements for certain contributions to inaugural event committees.

4.1. An inaugural committee established for purpose of soliciting or receiving contributions for the funding of all or any part of an inaugural event for any person elected to any state public office must file a verified financial statement with the Secretary of State's Office relating to any contributions from one person in excess of two hundred fifty dollars (\$250.)

4.2. An inaugural committee shall file and retain detailed records of any contribution from one person in excess of two hundred fifty dollars (\$250.).

4.3. For purposes of this section, "detailed records" shall contain the following information:

4.3.1 The full name of each person, firm, association or committee; and,

4.3.2 The residence, mailing address and may include a business telephone number, if available; and,

4.3.3 In the case of an individual, the major business affiliation and occupation; and,

4.3.4 The amount of contribution.

4.4. The inaugural committee, financial agent or any person or officer acting on behalf of such committee shall file a sworn and notarized financial statement, containing the above stated information for each person making a contribution in excess of two hundred fifty dollars (\$250.), within ~~forty-five (45)~~ ninety (90) days following the inaugural event.

4.5. The sworn and notarized financial statement shall be on a form prescribed by the State Election Commission.

4.6. Aggregate contributions of any person to any inaugural committee ~~are not limited and do not fall within the contribution limitations imposed for any candidate in connection with a primary or general election~~ shall not exceed \$5,000.

4.7. Excess campaign funds, as defined in section 7 below, may not be transferred to an inaugural committee.

§146-3-5. Contribution Limitations and Sources.

This section clarifies the application of the limitation on contributions established in §3-8-12(f) and §3-8-12(g), and the prohibition on corporate contributions in §3-8-8.

5.1. Limitations on contributions to candidates for national elective office (including President, Vice President, U.S. Senate and U.S. House of Representatives) are established in Chapter 14, Title 2 of the United States Code and the Code of Federal Regulations and are not subject to regulation by the states. The Federal Election Commission regulates federal campaign activity. (FEC, 999 E Street, N. W., Washington, D.C. 20463 Telephone (800)424-9530)

5.2. Aggregate contributions from one person to a candidate or political committee in connection with a primary election may not exceed one thousand dollars (\$1,000). Aggregate contributions from one person to a candidate or political committee in connection with a general or special election may not exceed one thousand dollars (\$1,000). Aggregate contributions from one person to a State political party executive committee may not exceed one thousand dollars (\$1,000.) in any calendar year. The term person is defined by West Virginia Code §3-8-4.

5.3. A contribution made by a business licensed as a sole proprietorship is a contribution made by the owner of that sole proprietorship. The aggregate contribution limits apply to all contributions to a candidate or political committee made by that owner, whether from personal or business funds.

5.4. A contribution made by a business licensed as a partnership is a contribution which shall be apportioned to the ownership interest of the partners. The aggregate contribution limits apply to contributions to a candidate or political committee made by each partner whether from personal funds or from the contributor's share of partnership funds.

5.5. A husband and wife may each contribute one thousand dollars (\$1,000) to the same candidate or political committee in connection with the same election, regardless of the source of family income.

5.6. A contribution made by check drawn on a joint personal account shall be attributed to the person who signed the check, or equally to the persons signing the check, unless otherwise specified in writing by the contributor.

5.7. Minor children (children under eighteen (18) years of age) may contribute up to one thousand dollars (\$1,000) to a candidate for an election if:

5.7.1. The decision to contribute is made knowingly and voluntarily by the minor child;

5.7.2. The funds, goods or services contributed are owned and controlled by the minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained in the child's name; and

5.7.3. The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed or is not in any other way controlled by another individual.

5.8. When a contributor designates all or part of a contribution for the benefit of a particular candidate and makes that contribution to a political committee acting with the approval or control of that candidate, the contribution shall be deemed to be an indirect contribution to the designated candidate and shall be subject to the aggregate contribution limits for that candidate.

5.9. A candidate or candidate's committee established for one primary and general election may transfer excess campaign assets to the same candidate's campaign or committee for a subsequent election year, and such a transfer shall not be limited by aggregate contribution limits.

5.10. The aggregate contribution by a person to a ballot issue committee is not limited; and corporate contributions to a ballot issue committee are not prohibited.

5.11. Transfers of contributions by a political committee established as a federal

committee under the regulation of the Federal Election Commission (FEC) from the committee's federal account to a state account shall not be made for the purpose of allowing any contributor to exceed the maximum contribution per election to the state account.

5.12. If a candidate or candidate's committee has excess campaign funds at the time of filing the post election financial report, no further contributions may be accepted until the candidate files a pre-candidacy statement for a subsequent election.

5.13. If a candidate or candidate's committee has debts, outstanding loans or unpaid bills at the time of filing the post election financial report, further contributions may be accepted only until an amount sufficient to repay such debts and outstanding loans has been received.

§146-3-6. Lawful Expenditures.

This section clarifies the meaning of certain permissible expenditures of money and other things of value for election expenses for purposes enumerated in West Virginia Code §3-8-9.

6.1. Funds belonging to or received by a candidate or political committee for political purposes may be used to employ persons to perform those functions enumerated in West Virginia Code §3-8-9, either on a full-time, part-time or temporary basis, providing the provisions of Title 146, Code of State Rules, Series 4, are complied with.

6.2. Funds belonging to or received by a candidate or political committee for political purposes may be used for reasonable office expenses enumerated in West Virginia Code §3-8-9.

6.3. "Necessary traveling and hotel expenses" shall include mileage at a rate not to exceed the current state-mandated reimbursement rate per mile or direct charges for transportation and itemized food and lodging costs incurred specifically for the purpose of campaigning or conducting the organizational, political or financial business of a political committee or candidate's campaign. The term shall not include the purchase cost of any vehicle, or expenditures for traveling and hotel expenses incurred for activities which result primarily in personal benefit and are not directly and specifically undertaken for political purposes.

6.4. No money or thing of value derived from contributions received by a candidate or political committee may be paid to or given to any person, except:

6.4.1. as lawful payment for goods provided, services rendered or reimbursement of expenses incurred for political purposes;

6.4.2. as food, entertainment or costs incidental to a fund-raising event or public meeting; or

6.4.3. as printed campaign promotional items of nominal value which clearly identify the candidate, or party; or

6.4.4. as a nominal noncash expression of appreciation to campaign workers as defined in section 2.12 above, following the close of the polls or within 30 days thereafter.

6.5. A candidate may be reimbursed from contributions received for lawful election expenses paid from the personal funds of the candidate, providing receipts are retained and those itemized expenditures are reported in a timely manner as required by law.

6.6. No candidate may receive any payment of money or other thing of value for personal use from funds solicited or received for political purposes on his or her behalf, except as reimbursement as provided in section 6.5.

~~6.7. Monies exceeding five dollars (\$5.00) in amount expended by any person for the printing, duplicating or distributing of a scorecard, voter guide, or other written analysis of a candidate's position or votes on specific issues within sixty (60) days of an election; or monies expended to distribute more than fifty (50) copies of such materials are an expense incurred for political purposes and shall be properly reported pursuant to West Virginia Code §3-8-1 et seq. The provisions of this subsection shall not apply to those exceptions as set forth in West Virginia Code §3-8-5(e)(2).~~

§146-3-7. Disposing of Excess Campaign Assets, Terminating a Political Committee.

This rule clarifies the methods of lawfully disposing of excess campaign assets, and the method for terminating a political committee pursuant to W. Va. Code §3-8-4a.

7.1. Excess campaign assets are those monies, materials, equipment or other things of value derived from contributions which are:

7.1.1. remaining in the possession of the pre-candidate or pre-candidate's committee at the conclusion of pre-candidacy when the pre-candidate decides not to become a candidate;

7.1.2. remaining in the possession of the candidate or candidate's committee after the candidate loses in the primary election or at the conclusion of the campaign after the candidate's general election and after debts, loans and other liabilities are repaid; or

7.1.3. belonging to a political committee which wishes to discontinue activity

and dissolve.

7.2. Excess campaign assets may be lawfully:

7.2.1. transferred from a candidate's committee organized for one election year to the same candidate's committee for a subsequent election year, providing that candidate has filed a pre-candidacy statement and a statement of organization of the new committee before the transfer is made;

7.2.2. distributed for a lawful election expense enumerated in West Virginia Code §3-8-9 by making a contribution to one or more political party committees, other political committees or candidates; or

7.2.3. returned on a pro-rata basis to each contributor.

7.2.4. subject to Internal Revenue Service regulations relating to personal income, used by the candidate to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of public office;

7.2.5. contributed to any charitable organization; or

7.2.6. transferred, ~~without limitation,~~ to any national, state or local committee of any political party.

7.3. No person may receive or utilize excess campaign assets for personal economic benefit or use.

7.3.1. Subject to section 7.2.4 above, supplies or equipment purchased by an office holder and used to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of public office shall become the property of the state, or the district, county, or municipality in which the office is held.

7.4. No candidate, financial agent or treasurer may distribute excess campaign assets through personal gifts, promotional items or other expenditures not authorized by West Virginia Code §3-8-9.

7.5. A political committee which is solvent and has no outstanding debts or obligations may terminate its existence by

7.5.1. filing a statement of dissolution with the Secretary of State if the political committee was formed in support of a candidate for nomination or election to any office to be filled by voters of the entire state, or a candidate for nomination or election for any office encompassing an election district larger than a county, or the passage or defeat

of any issue, thing or item to be voted upon, encompassing an election larger than a county; or

7.5.2. filing a statement of dissolution with the county clerk or municipal clerk or recorder, or other such election officer as defined in 146CSR2-3.3.4 Code of Fair Campaign Practices, as may be deemed proper by the Secretary of State, if the political committee was formed in support of a candidate for nomination or election to any office to be filled by voters of a county or district therein, or for the passage or defeat of any issue, thing or item to be voted upon, encompassing the electorate of a county or district therein; and,

7.5.3. stating within such written request that the political committee will no longer receive any contributions or make any disbursements; and,

7.5.4. stating within such written request that the political committee has no outstanding debts or obligations; and,

7.5.5. stating within such written request that any excess funds of the political committee will be transferred to a political committee established by the same candidate, or established for the passage or defeat of the same issue, thing or item, or will be otherwise disbursed pursuant to section 6.2 above.

7.6 The Secretary of State's Office shall have the authority, upon the request of the committee, to make determinations as to the solvency or insolvency of a political committee, including

7.6.1 the orderly liquidation of an insolvent political committee; and

7.6.2. the orderly application of the assets of an insolvent political committee toward reduction of its outstanding debts; and

7.6.3. the assessment of any forgiven debts as being political contributions; and,

7.6.4. the termination of an insolvent political committee after the liquidation and application of assets.

§146-3-8. Receiving, Distributing and Reporting Contributions and Expenditures.

This section clarifies the handling and reporting requirements set forth in West Virginia Code §3-8-2 through 3-8-7.

8.1. The treasurer of a political committee or receives all contributions and

disburses all funds, and it is unlawful for a person or persons other than the treasurer to receive and disburse funds without the treasurer's knowledge and participation.

8.2. A candidate who does not appoint another person as financial agent or organize a candidate's committee and appoint a treasurer at least twenty-eight (28) days prior to the election at which he or she is to act shall be deemed to be the financial agent for his or her own campaign.

8.3. A financial report shall include all financial transactions occurring during the accounting period just completed, and any other financial transactions which have not been reported previously. Financial reports shall be in the form provided for in Addendum A of this rule

8.4. For the purpose of financial accounting and reporting, an election cycle is divided into accounting periods. The first accounting period begins on the date of the first financial transaction. The last day of each accounting period is the day before the next financial report may be filed. Accounting periods end on the following dates:

8.4.1. the day before the last Saturday in March of each year;

8.4.2. the eleventh day before the primary election;

8.4.3. the twenty-fourth day after the primary election;

8.4.4. the day before the last Saturday in September preceding the general election;

~~8.4.4.~~ 8.4.5. the eleventh day before the general election; and

~~8.4.5.~~ 8.4.6. the twenty-fourth day after the general election.

8.5. Financial reports may be filed, pursuant to West Virginia Code §3-8-5b,

8.5.1. by mail; or,

8.5.2. in person; or,

8.5.3. by facsimile or other electronic means of transmission.

8.6. Filing dates for each method of delivery shall be determined as follows:

8.6.1. For mailings, the filing date shall be the date of the postmark of the United States Postal Service;

8.6.2. For hand delivery, the filing date, shall be the date of delivery to the proper reporting agency or entity during regular business hours of such office;

8.6.3. The facsimile or other electronic means of transmission, the filing date shall be the date of delivery to the appropriate reporting agency or entity during regular business hours of such office.

8.7. Financial statement which are delivered by facsimile or other means of electronic transmission shall be limited in length to fifteen (15) pages, including a cover page. When delivered by a facsimile or other electronic means of transmission, original signed and sworn financial statements shall be postmarked or hand delivered to the appropriate reporting agency or entity within twenty-four (24) hours of the date of the facsimile or other means of electronic transmission.

8.8. For the purpose of reporting contributions, a contribution occurs on the date the check, cash or other thing of value is received by the treasurer. No person acting as agent for the candidate, treasurer or committee shall knowingly withhold a contribution from the treasurer to prevent the reporting of the contribution until a later reporting period.

8.9. For the purpose of reporting unpaid bills, a liability is incurred on the date a bill for goods received or services rendered is received by the treasurer.

8.10. For the purpose of reporting expenditures, an expenditure is made on the date the treasurer writes the check or transfers cash to any person to pay for goods or services rendered. No transfer may be made to an intermediary to avoid reporting an expenditure in a particular reporting period.

8.11. All independent expenditures must be reported according to the procedures outlined in West Virginia Code §3-8-2.

§146-3-9. State and Local Activity by Federal Committees.

This rule clarifies the responsibilities and state reporting requirements of a political committee organized under the rules of the Federal Election Commission when that committee makes contributions to or direct expenditures on behalf of or in opposition to state or local candidates, political committees or ballot issues.

9.1. Nothing in this rule shall be construed to exempt a federal committee from the requirements of West Virginia Code §3-8-1 et seq. as to monies or other things of value received and disbursed for election expenses on behalf of state and local candidates, political committees and ballot issues.

9.2. When a federal committee maintains a state account, the treasurer shall not

place in its federal account funds which have been designated by the contributor for use in state, district, county and municipal election activities. Such funds shall be placed directly into the state account, and shall be subject to state reporting requirements and contribution limits.

9.3. The treasurer of a federal committee may not knowingly transfer into a state account or disburse on behalf of a state or local candidate or political committee any portion of an individual contributor's contribution which exceeds one thousand dollars (\$1,000) per election.

9.4. A federal committee which maintains a state account may comply with state reporting requirements by filing reports on the forms prescribed by the Secretary of State under the rules and at the times required by West Virginia Code and the Code of State Rules.

9.5. A federal committee which maintains only a federal account may comply with state reporting requirements by filing with the applicable federal report an addendum itemizing in the manner required by West Virginia State Code and the Code of State Rules:

9.5.1. all contributions and loans received from West Virginia residents;

9.5.2. all liabilities incurred or expenditures made to or on behalf of any state or local candidate, political committee or ballot issue; or

9.5.3. an oath given by the treasurer that the addendum contains a true and correct report of all financial transactions relating to state and local candidates, political committees or ballot issues in West Virginia.

§146-3-10. Solicitation for Political Purposes.

This section clarifies lawful and unlawful practices relating to solicitations for political purposes.

10.1. No person may lawfully solicit and accept funds for political purposes on behalf of any individual before that individual becomes a pre-candidate or a candidate as defined herein.

10.2. No person may lawfully solicit and accept funds on behalf of any political committee before that committee files a statement of organization and the appointment of a treasurer.

10.3. No person may lawfully solicit and accept funds on behalf of any candidate or any elected official if no outstanding debt remains from a previous election, except in

that a pre-candidate, candidate or political committee may solicit or accept funds if pre-candidacy papers have been filed for an upcoming primary or general election.

10.4. A person who solicits funds to retire a debt incurred for political purposes by a candidate or committee during a previous primary or general election is soliciting funds in connection with that campaign for nomination or election.

10.5. A solicitation which is broadcast by radio or television or published in a newspaper or other publication of general circulation shall not be deemed to violate any prohibition against solicitation of the members of specific groups.

10.6. A solicitation which is conducted randomly by such means as bulk mail to boxholders, broad literature distribution in a geographic area, or random-number telephone solicitations shall not be deemed to violate any prohibition against solicitation of the members of specific groups, providing solicitations of the members of specific groups are not knowingly and purposely included in the random solicitation.

10.7. A solicitation directed to individuals by name shall not be deemed to violate the prohibition against solicitation of public employees if that solicitation prominently contains the words "Please disregard if you are a public employee" or words to that effect, providing solicitations of members of prohibited groups are not knowingly and purposely included in the solicitation.

10.8. A solicitation specifically on behalf of one or more candidates for President, Vice President, U.S. Senate or U.S. House of Representatives is governed by the United States Code and the Code of Federal Regulations and is not subject to regulation by the state.

10.9. A solicitation within the state by a federal committee is subject to West Virginia Code and the West Virginia Code of State Rules, if all or part of any contribution received as a result of the solicitation is used to support one or more candidates in West Virginia.

§146-3-11. Procedures for Levying Civil Penalties

This section establishes the procedures to be used to determine the implementation of W. Va. Code §3-8-7.

11.1. A campaign finance report shall not be found to be grossly incomplete or grossly inaccurate if:

11.1.1. the filing officer has notified, by certified mail, the individual or

committee responsible for filing the report that the report is incomplete or inaccurate;

11.1.2. corrections to such report are received by the filing officer no later than ten (10) days after the individual or committee has been notified of such inaccuracies; and

11.1.3. in the case of a financial statement due not less than seven nor more than ten days preceding each primary or other election, corrections to the report are received by the filing officer no later than twenty-four (24) hours after the individual or committee has been notified of such inaccuracies or deficiencies.

11.2. A report shall considered to be delinquent if:

11.2.1. It is received after the deadlines established by West Virginia Code §3-8-5; and

11.2.2. bears a U.S. Postal Service postmark dated after such deadline.

11.3. A report shall not be considered delinquent if:

11.3.1. The report is filed late due to the death of the candidate, treasurer, or other individual responsible for filing such reports; or

11.3.2. The report is filed late due to a serious illness of the candidate, treasurer, or other individual responsible for filing such reports; and

11.3.3. A written notification of either death or serious illness is received by the filing officer no later than sixty days after the last day the financial statement is due. Upon receipt of such notification, the filing officer may grant an extension of time for the filing of the financial statement.

§146-3-12. Penalty Provision.

12.1. Any person violating this rule shall be guilty a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars, nor more than five thousand dollars, and shall be confined in jail for not less than six months nor more than one year.

STATE OF WEST VIRGINIA CAMPAIGN FINANCIAL STATEMENT

GENERAL INSTRUCTIONS

Who must file?

- All candidates for state, district, county and municipal public offices (except candidates for party executive committees). (File Form F-7, this form)
- All financial agents, treasurers for candidates' committees, political party committees, and political action committees. (File Form F-7, this form)
- All persons who spend personal funds independently and without a candidate or committee's knowledge, to advocate or oppose the nomination, election or defeat of any candidate, or the passage or defeat of any issue to be voted on. (Use Form F-7B)
- All advertising agencies, consultants or other persons who receive lump sums from candidates or committees and then disburse those funds to others for political purposes. (Use Form F-7C)

What to report

- All money and all in-kind (non-cash) contributions received by the campaign or committee.
- All money and all things of value received as a loan to the campaign or committee, along with a copy of the loan agreement.
- All money spent by the campaign or committee for permitted activities.
- All required forms reporting employment of temporary election workers or campaign staff.

Where to file

- File with the **secretary of state** if you are a candidate (or a committee, person or agent supporting candidates) for office on the ballot in more than one county, legislative office, or you are supporting or opposing an issue on the ballot in more than one county.
- File with the **county clerk** if you are a candidate (or a committee, person or agent supporting candidates) for county offices, non-legislative offices entirely within a county, or you are supporting or opposing an issue on the ballot in only one county.
- File with the **municipal recorder** if you are a candidate (or a committee, person or agent supporting candidates) running for city office or you are supporting or opposing an issue on the ballot only in the city.

When to file

- Candidates, their agents or committees must file all reports in the election year in which they are on the ballot, and annual reports until they repay all loans and/or disburse excess funds and file a final report. **Candidates who lose the primary election must file financial reports for the general election if they have outstanding loans or bills, or have money left in their campaign.**
- Political action committees and party executive committees must file all reports from the date they begin activity until they formally dissolve the committee by filing a final report and a Statement of Dissolution (Form F-6).
- Consultants, advertising agents and persons who disburse money for candidates or committees, and persons making independent expenditures must file for any reporting period in which they have received or spent money.

After the campaign

To end your filing responsibilities, you must complete these steps:

1. Repay all loans, outstanding bills and/or disburse any excess funds (see campaign finance rules §146-3-7).
2. When your campaign account has a zero balance, and all loans and bills are paid, you can file a final report. (Use Form F-7)
3. To file a final report, list any contributions or expenditures since your last report. Report the repayment of any loans. Mark the report as final in the appropriate box on the summary page, which is on page 7.
4. For political action committees, file Form F-6, the Statement of Dissolution of a Committee.

**WEST VIRGINIA LAW REQUIRES THIS REPORT TO BE NOTARIZED BEFORE FILING.
ONLY THE ORIGINAL (NOT A COPY) OF THE FINANCIAL STATEMENT WILL BE ACCEPTED.**

HOW TO FILL OUT THIS REPORT A Step-by-Step Guide

Itemized contributions, other receipts, loans, expenditures, unpaid bills

1. Turn to Page 8 and 9. List contributions you or your committee received. For information about contributions, see page 3.
2. Turn to Page 10. Fill in the information for Fundraising Events. If you have questions about fund-raising events, see page 4.
3. Turn to Page 11. List all money, other than contributions, that your campaign or committee received. List in-kind contributions your campaign or committee received. If you have questions about other receipts or in-kind contributions, see page 4.
4. Turn to Page 12. If you received loans, list them here. If you have questions about loans, see the top of page 12.
5. Turn to Page 13. List how you spent campaign funds. If you have questions about expenditures (how you spent your money), see page 5.
6. Turn to Page 14. If you have unpaid bills, list them here. If you have questions about unpaid bills, see page 5.

Summary Page Candidate and Committee Information

1. On Page 7, the Summary page, list: the candidate's name, office the candidate is seeking, and party affiliation. For political committees, list the committee's name.
2. List information about the treasurer or financial agent: the treasurer's name, mailing address, and daytime phone number.
NOTE: If you changed treasurers since filing your last report, you must also fill out and file Form F-5 (Notice of Change of Treasurer) or send a written statement indicating that the previous treasurer resigned and giving the name, address, and phone number of the new treasurer. Until this is done, the former treasurer is still responsible for filing financial reports and can be held accountable if the reports are not filed or if reports have errors.
3. Fill in the election year covered by this report. For candidates, this is the year you are or were on the ballot. (**NOTE: Campaigns cannot overlap. If you want to use excess money from a past campaign, you must show the transfer of money on a reporting form. Until you file a final report for a past campaign, you must keep filing an Annual Report.**)
4. Check the appropriate reporting period. (**Note:** You may only file a final report if you have a zero balance and have no outstanding loans or bills. PACs that file a final report must also include a Statement of Dissolution (Form F-6).

Summary Page numbers

1. Fill in the totals on this page using numbers from the contribution, fundraising, other receipts, in-kind contributions, loans, unpaid bills, and expenditures sections.
2. Start in Column A. The numbers from the current reporting period should be listed in Column A.
RECEIPTS:
Line 1: **CONTRIBUTIONS:** Enter the total from Contributions (Schedule 1A, pages 8 and 9).
Line 2: **FUNDRAISING EVENTS:** Enter the total from Fundraising Events (Schedule 2A, page 10).
Line 3: **TOTAL CONTRIBUTIONS:** Add Line 1 to Line 2.
OTHER INCOME:
Line 4: **OTHER INCOME:** Enter the total from Other Income (Schedule 3A, page 11).
Line 5: **LOANS RECEIVED:** Enter the total amount of new loans from Loans (Schedule 1B, page 12).
Line 6: **TOTAL OTHER INCOME:** Add Line 4 to Line 5.
Line 7: **NON-CASH CONTRIBUTIONS:** Enter the total from In-Kind Contributions (Schedule 4A, page 11)
EXPENDITURES:
Line 8: **EXPENDITURES:** Enter the total from Expenditures (Schedule 2B, page 13).
Line 9: **REPAYMENT OF LOANS:** Enter the total repaid from Loans (Schedule 1B, page 12).
Line 10: **TOTAL EXPENDITURES:** Add Line 8 to Line 9.
CASH BALANCE:
Line 11: **BEGINNING BALANCE:** Enter the ending balance from your previous report. If this is your first report, the amount will be zero. (Money transferred from a past campaign is listed as miscellaneous income in Other Income, Schedule 3A, page 11).
Line 12: **TOTAL RECEIPTS:** Add Line 3 to Line 6.
Line 13: **SUBTOTAL:** Add Line 11 to Line 12.
Line 14: **TOTAL EXPENDITURES:** Enter the amount from Line 10.
Line 15: **ENDING BALANCE:** Subtract Line 14 from Line 13. This figure should equal funds in your campaign or committee's account.
DEBTS:
Line 16: **UNPAID BILLS:** Enter the total from the Expenditures Section.
Line 17: **LOANS OUTSTANDING:** Enter the total of outstanding loans, new and old, from the Loans Section.
Line 18: **TOTAL DEBTS:** Add the unpaid bills total to the Loans Outstanding total.

Column B - Election-to-Date

Complete Column B. Add the figures in Column A to the figures from your previous report. If this is your campaign's first report, Column A and Column B will have the same figures. For political committees, Column A and Column B will be the same for the first report in an election year.

Oath Page

Complete the oath page (Page 14) in front of a notary. The report cannot be accepted without notarization.

GENERAL RULES GOVERNING CONTRIBUTIONS AND THEIR REPORTING

When a person, political committee, association or firm contributes money:

1. You must report the full name of the person or group and the amount. All money must be reported.
2. If the contribution is more than \$50.00 (\$50.01 and up), the contribution cannot be cash. The contribution may be made by check, money order, credit card, or electronic fund transfer. You cannot accept foreign currency.
3. If contributions received from an individual or committee relating to an election total more than \$250.00 (\$250.01 and up), you must also report the residence and mailing address of the individual or committee. If the contributor is a person, you must also report what the contributor does to earn a living and where that individual works. If the contributor is a committee, you must report the committee's affiliation (the group with whom the committee is associated.)
4. The maximum contribution allowed to any campaign for nomination or election to any office is \$1000.00 (\$1000.00 for the primary and \$1000.00 for the general election). A candidate may contribute any amount to his or her individual campaign committee.
5. If a candidate spends his or her own money in the campaign, that amount must be listed as a contribution

When a contribution is anonymous:

1. If you can identify the donor, you must either report his or her identity or return the contribution to the donor.
2. If you cannot identify the donor, report the contribution in Schedule 3A. You must then send an amount equal to the total of the anonymous contribution(s) to the State of West Virginia General Fund, c/o Secretary of State, Bldg. 1, Suite 157-K, 1900 Kanawha Blvd. East, Charleston WV 25305-0770. You should then list the transaction under Schedule 2B as an expenditure.
3. **DO NOT SPEND ANONYMOUS CONTRIBUTIONS FOR YOUR CAMPAIGN.**

When a corporation wants to contribute:

Corporations cannot make direct political contributions. They can, however, set up a separate, segregated fund called a Political Action Committee (PAC) for the purpose of soliciting political contributions from officers, stockholders, and administrative personnel. These PACs can contribute to candidates and/or issues. Corporations **can** make contributions in support of or against a ballot issue.

Political Action Committee contributions

A Political Action Committee (PAC) may represent unions, professions, corporations, political parties, or other special interests. NOTE: PACs must be registered with the proper filing office. A PAC that is active only in a municipality files a statement of organization (Form F-4 Muni) with that municipality's clerk or recorder. A PAC that is active only in one county files a statement of organization (Form F-4) with that county's clerk. A PAC that is active in more than one county files a statement of organization (Form F-4) with the secretary of state. Reporting rules for PACs are the same as for individual contributors.

Contributions made to membership organizations:

Some political action committees may be considered "membership organizations" under state law. A membership organization is a group that grants certain rights and privileges to its members, such as the right to vote or hold an office within that organization, or uses a majority of its membership dues for purposes other than political purposes.

Contributions to membership organizations often take the form of payroll deductions. If the deduction (or portion of dues) which goes to the PAC or is used for political purposes equals \$25.00 or less per member during a calendar year, it can be reported by showing the amount each member paid and the number of members. For example, if the payroll deduction is \$3.00 per calendar year for 25 employees, it would be listed as : "25 employees @ \$3.00 each = \$75.00".

If the payroll deductions or dues exceed \$25.00 per member, the contributions are reported individually, the same as any other contribution. Also, if members make contributions independent of a payroll deduction or other assessment, the contribution must be listed like any other type of contribution.

FUNDRAISING EVENTS

General Rules and Instructions

Definition

A fundraising event is "an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as purchase of a ticket, payment of an attendance fee or through the purchase of goods or services." (WV Code §3-8-5b). This definition also covers sales of food at bake sales or fair booths, memorabilia, T-shirts, buttons, and other items. Raffles are also considered to be fundraisers; **however, candidates are prohibited by §47-21-2 of the WV Code from holding raffles.** Other organizations, such as political action committees, must have 501 (c) status with the WV Department of Tax and Revenue, and must have a license to conduct raffles. "Passing the hat" at meet-the-candidate dinners or other types of fundraisers is **not** permissible, since it would difficult to account for these contributions.

How to report a fund-raising event

1. Fill out the event summary (top of Page 10 of this report). The information in the event summary is required by law. (WV Code §3-8-5a).
2. On the event summary, list the date of the event, the type of event (reception, dinner, etc.), place, address, total receipts, total expenditures, and net receipts. To get the net receipt, subtract total expenditures from total receipts.
3. List all contributors' names and amounts received. If a contribution is more than \$250.00, or if that person or committee's total contributions to the candidate or committee for the election total more than \$250.00, you must also list the contributor's address, and in the case of a person, what that person does to earn a living, and where that person works. In the case of a committee, list its affiliation. Contributions of more than \$50.00 cannot be cash. The contribution may be made by check, money order, credit card, or electronic fund transfer. Foreign currency cannot be used.
4. List all itemized expenses (such as invitations, food, hall rentals) relating to any fundraising events on Schedule 2B (Page 14).
5. Add the total receipts from all fundraising events. List this total on line 2 of the Report Summary on page 7.

Exceptions

In 1994, the West Virginia Legislature passed a law that would allow **political party executive committees** to hold certain fundraisers without necessarily reporting individual contributions of monies received at those fundraisers. **Only fundraisers that involve the sale of food, beverages, services, novelty items, raffle tickets, or memorabilia may take advantage of this exception, as long as the total profits from such fundraisers do not exceed \$5000 in a calendar year.** The names of individuals who spend less than \$50.00 a year do not need to be reported. Organizations that hold fundraisers need not report itemized contributions if the total profit is less than \$5000. **If individuals or organizations make purchases of more than \$50.00, or if the total profits from all such fundraisers exceed \$5000, the normal reporting requirements apply, and all names of all contributors and the amount they contributed must be reported. THIS EXCEPTION APPLIES ONLY TO POLITICAL PARTY EXECUTIVE COMMITTEES.**

What if I don't report all my contributors?

If your contributors' names are not listed as part of your fundraiser, they are considered to be anonymous contributors. Anonymous contributions are prohibited by state law and must be turned over to the West Virginia General Revenue Fund. **DUPLICATE AS MANY PAGES AS YOU WILL NEED TO COMPLETE YOUR REPORT.** If you use plain paper or attach a computer printout, include all required information and label the pages by listing the fundraising event and the event's date at the top of the page.

In-Kind Contributions (things of value other than money)

Contributions of things of value must be reported as in-kind contributions. Examples include: use of a car, an office or building; use of office equipment or telephones for campaign purposes; material for campaign signs; food for a fund-raising reception.

How to report an in-kind contribution:

- List the name of the contributor and the date the item was donated. Assign a reasonable value to the contribution. If a person donates more than \$250.00, remember to include the address, what the donor does for a living, and the place where the donor works. If a committee donates more than \$250.00, include the committee's address and its affiliation. The affiliation is the group with whom it is associated. (Remember that the \$1,000.00 donation limit applies also to in-kind contributions.)
- Add all receipts for the period and write the total on the summary sheet, page 7, line 7.

Schedule 4A

OTHER RECEIPTS

Receipts which are not contributions must also be reported. These include refunds on bills paid; interest on investments, checking accounts or savings accounts; sale of equipment; or any income not reported in contributions or in-kind contributions. If a candidate is transferring money from a past campaign to a new campaign, this is where the transfer of funds would be listed. Write the total on page 7, line 4.

Expenditures and Unpaid Bills

General Rules and Instructions

All expenditures made or liabilities incurred by a campaign must be reported. This requirement covers both actual payment and promises of payment.

For example, a candidate who has received a bill for \$500 worth of printing but has not paid the bill by the time that the financial report was due would report this as an **unpaid bill**. If the bill was paid by the time the report was due, the transaction would be listed as an **expenditure**.

West Virginia Code §3-8-9 lists permissible expenditures by candidates and committees. In 1986, the West Virginia Supreme Court ruled that this statute must be interpreted strictly. This means that if the item cannot be classified under §3-8-9 as a permissible expenditure, it is not allowed. To review the complete list of lawful campaign expenditures, see the 1999 edition of West Virginia Campaign Finance Laws available from the secretary of state or your county clerk.

You must give ALL information specified in the column headings for your form to be complete.

When a lump sum payment is made to an advertising or campaign management firm which will disburse the money on behalf of the candidate, the agency must file a separate financial report under the same rules. The form for advertising agencies is F-7C. If the lump sum payment is made to an individual who is not required to file (for example, a campaign organizer who pays others to work outside the polls or to transport voters), the breakdown of who finally received the money as payment for goods or services must be included in this report.

Payment of Campaign Staff and Election Workers

If you are paying people for time or expenses for your campaign, you must report those expenditures. **Workers and volunteers must fill out separate forms and return them to you before they can be paid.** The following forms must be used: F-8 (For campaign staff), F-9 (For temporary campaign workers), F-10 (For election day drivers), and F-11 (For reimbursement of volunteers). These forms must then be attached to the report that lists the expenditures made to these workers.

Paid campaign staff means an individual employed by a candidate, party committee or political action committee who works in excess of twenty (20) hours per week on a regular and continuing basis, and who is paid a regular salary with deductions for withholding tax and social security obligations.

Paid election worker means an individual employed by a candidate, party committee, or political action committee on a temporary or irregular basis. An election worker's pay, including direct or indirect payments for expenses, shall not exceed six dollars ((\$6.00) per hour up to a maximum of fifty dollars (\$50.00) per day regardless of the source or sources of the payment or the hours worked in any given day.

Volunteer election worker means an individual who provides services to a candidate or committee without pay or other compensation for services, not including expenses.

FOR DETAILED INFORMATION ABOUT PAYMENT OF CAMPAIGN STAFF AND ELECTION WORKERS, SEE WEST VIRGINIA LEGISLATIVE RULES ON CAMPAIGN FINANCE (CFR §146-4-1.)

PENALTIES

According to West Virginia Code §3-8-7, failure to file a financial statement is a misdemeanor, punishable by up to a year in jail, a fine of \$500, or both, in the discretion of the court. This penalty also applies to "grossly incomplete or inaccurate" financial statements. Civil penalties of \$25.00 a day for each day a report is late or inaccurate may also be levied. Further, candidates that have not filed the required financial reports cannot assume the duties of their office until all required reports are properly filed.

West Virginia law allows the secretary of state (or the county clerk or municipal clerk/recorder) to review or audit financial reports in order to ensure compliance with campaign finance law. They are required to submit the names of individuals who have failed to file financial statements, or have filed incomplete or inaccurate financial statements, to the county prosecuting attorney for action.

Report Summary: Column A and Column B (election-to-date)

Column A figures reflect what a candidate or political committee received or spent during a reporting period. Column B figures reflect the total contributions and expenditures for the election-to-date. In this case, the election-to-date includes figures for both the primary and general elections.

CASH BALANCE SUMMARY

The cash balance summary lists the beginning balance, total receipts for the reporting period, the total expenditures for the reporting period, and the ending balance.

For candidates, an election reporting period begins when the candidate files a pre-candidacy form or files for office. It ends when all debts and/or loans of that campaign are paid, and the campaign's cash balance is zero. The beginning balance of the first report of a campaign will be zero. If a candidate is transferring money to a campaign, do not list that transfer as the beginning balance. It is listed under the Other Income section (Schedule 3A, page 11) and reported on line 4 of the Report Summary, page 7). **NOTE: EACH CAMPAIGN MUST BE KEPT SEPARATE. IF YOU ARE TRANSFERRING MONEY FROM A PREVIOUS CAMPAIGN, FILE A REPORT FROM THAT PREVIOUS CAMPAIGN, SHOWING THE TRANSFER AS AN EXPENDITURE. LIST THE YEAR OF THE PREVIOUS CAMPAIGN AT THE TOP OF PAGE 7, ON THE LINE "CAMPAIGN FINANCIAL STATEMENT FOR ELECTIONS IN ____."**

For political committees, the beginning balance will be the ending balance from the previous report.

The ending balance is what a candidate or political committee has left at the end of the reporting period. This cannot be negative number. If expenditures are more than contributions and income, the candidate has two options: 1. contribute money to the campaign; 2. loan his or her personal money to the campaign or secure a loan from a spouse or financial institution for the campaign.

Reporting Cycle for Political Committees

The election reporting cycle for a political action committee starts with the annual report in an election year. The cycle ends with the annual report in an off-election year. For example, for the 2000 election cycle, the first report, due March 25 through April 10, 2000, will be the first report. On the Report Summary, page 7, Column A and Column B (election-to-date) figures will be identical. In subsequent reports, if the committee gets contributions and spends money, Column B figures will be more than Column A figures. Column A figures show only the financial activity for a particular reporting period. The

REPORTING PERIODS

First primary or annual report	Last Saturday in March or 15 days thereafter
Pre-primary report	Seven to ten days before the primary election
Post-primary election	Twenty-five to thirty days following the primary election
First general report	Last Saturday in September or within fifteen days thereafter
Pre-general report	Seven to ten days before the general or special election
Post-general report	Twenty-five to thirty days following the general or special election

State of West Virginia

Campaign Financial Statement for Elections in _____

Supply all information requested. It is required by WV Code §3-8-5a.

(For political committees, current election year. For candidates, year on ballot)

Candidate or Committee Name

Candidate or Committee's Treasurer

Political Party (for candidates)

Treasurer's Mailing Address

Office Sought (for candidates)

District/Division

Treasurer's Daytime Phone #

Reporting Period (check one)

- | | | |
|---|---|--|
| <input type="checkbox"/> First Primary or Annual Report
(Due last Saturday in March or within 15 days thereafter) | <input type="checkbox"/> Pre-primary Report
(Due 7 to 10 days before primary election) | <input type="checkbox"/> Post-primary Report
(Due 25 to 30 days after primary election) |
| <input type="checkbox"/> First General Report
(Due last Saturday in September or within 15 days thereafter) | <input type="checkbox"/> Pre-general Report
(Due 7 to 10 days before general or special election) | <input type="checkbox"/> Post-general Report
(Due 25 to 30 days after general or special election) |
- Final Report** (Campaign fund has zero balance, and no loans or outstanding bills. Political Action Committees must also file a Statement of Dissolution (Form F-6) with this report.)

Report Summary

Fill in this summary after you complete pages for contributions, fundraisers, other income, in-kind contributions, loans, expenditures, unpaid bills.

TRANSACTIONS	Column A Total for this reporting period	Column B: Election to Date Add Col. A to last report's Col. B
1. Contributions - Schedule 1A		
2. Fundraising Events - Schedule 2A		
3. TOTAL CONTRIBUTIONS (Add lines 1 and 2)		
4. Other Income - Schedule 3A		
5. Loans received - Schedule 1B		
6. TOTAL OTHER INCOME (Add lines 4 and 5)		
7. In-kind (non-cash) contributions - Schedule 4A		
8. Itemized Expenditures - Schedule 2B		
9. Loan Repayment - Schedule 1B		
10. TOTAL EXPENDITURES (Add lines 8 and 9)		

CASH BALANCE SUMMARY

11. Beginning Balance (From previous report)	
12. Total Receipts (Add lines 3 and 6, Column A)	
13. Subtotal (Add lines 11 and 12, Column A)	
14. Total Expenditures (Line 10, Column A)	
15. Ending Balance (Subtract line 14 from line 13)	
16. Unpaid Bills	
17. Outstanding Loans	
18. Total Debts (Add lines 16 and 17)	

Note: The ending balance can't be a negative number. If you have a question about this, see page 6 under Cash Balance Summary. The ending balance will be the beginning balance on your next report.

SCHEDULE 1A

**CONTRIBUTIONS
OVER \$250.00**

(For information about contributions, see page 3.)

DATE	INDIVIDUAL CONTRIBUTOR OR COMMITTEE'S NAME <i>By law, you must report an individual contributor's occupation and business affiliation. For a committee, you must report the affiliation (the group, association, corporation, or union with which it is connected.)</i>	AMOUNT
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	
	Full Name: Address: Contributor's job: (individual contributor only) Where contributor works: (individual contributor only) Affiliation: (political committee only)	

Subtotal contributions of more than \$250.00

Subtotal contributions of \$250.00 or less

Total

**Make as many copies
of this page as you need**

FUND RAISING EVENTS

For information about fund-raising events, see page 4.

EVENT SUMMARY

Date of Event _____	Type of Event _____
Name of Place Held _____	
Address of Place Held _____	
Total Receipts _____	Total Expenditures _____
NET RECEIPTS (Subtract total expenditures from total receipts) _____	

WARNING: ALL monies received by fundraisers must be reported under Schedule 2A, regardless of the type of fundraiser. If contributors and amounts are not listed, WV Code §3-8-5a requires that the money be turned over to the WV General Revenue Fund. The only exception to this is detailed in West Virginia Code §3-8-5a and applies only to political party committees. (For additional information, see Page 5.)

\$250.00 OR LESS

OVER \$250.00

Date	Full Name	Amount	Date	Full Name	Amount
				Full Name: Address:	
				Contributor's job: (Individual only)	
				Where works: (Individual only)	
				Affiliation: (Political committees only)	
				Full Name: Address:	
				Contributor's job: (Individual only)	
				Where works: (Individual only)	
				Affiliation: (Political committee only)	
				Full name: Address:	
				Contributor's job: (Individual only)	
				Where works: (Individual only)	
				Affiliation: (Political committee only)	
				Full Name: Address:	
				Contributor's job: (Individual only)	
				Where works: (Individual only)	
				Affiliation: (Political committee only)	
Subtotal contributions of less than \$250.00			Subtotal contributions of more than \$250.00		
			Subtotal contributions of \$250.00 or less		
			TOTAL		

MAKE COPIES OF THIS PAGE TO LIST ADDITIONAL CONTRIBUTIONS. ATTACH ADDITIONAL PAGES TO REPORT.

SCHEDULE 3A

OTHER INCOME: INTEREST, REFUNDS, MISCELLANEOUS RECEIPTS

For information, see page 4.

Date	Source of Income	Type of Receipt	Amount
Total			

SCHEDULE 4A

IN-KIND CONTRIBUTIONS

For information, see page 4A.

Date	Full name, address, and occupation and place where works (if total contributions by that individual or committee are more than \$250.00)	Description of contribution	Value (amount)
Total			

Make as many copies of this page as you need.

West Virginia Code: §3-8-5f. Loans to candidates, organizations or persons for election purposes.

"Every candidate, financial agent, person or association of persons or organization advocating or opposing the nomination or election of any candidate or the passage or defeat of any issue or item to be voted upon may not receive any money or any other thing of value toward election expenses except from the candidate, his or her spouse or a lending institution. All loans shall be evidenced by a written agreement executed by the lender, whether the candidate, his or her spouse, or the lending institution. Such agreement shall state the date and amount of the loan, the terms, including interest and repayment schedule, and a description of the collateral, if any, and the full names and addresses of all parties to the agreement. A copy of the agreement shall be filed with the financial statement next required after the loan is executed."

The loan agreement required by this statute **must** include all items asked for in the statute. There is no certain format for a loan agreement; generally, if all the required information is listed, any format is acceptable.

Candidates or political committees that take out a loan for the campaign through a bank or other commercial lending institution must include a copy of the loan agreement executed with that bank or institution. Candidates should not take out loans which are partially for personal use and partially for the campaign. It is almost impossible to keep reporting straight in this case.

Any money a candidate loans to his or her campaign committee with the hope of repayment must be treated as a loan and reported in this section. When a candidate determines that no further repayment can be expected, the loan can be reported as repaid in this section by entering the amount left to repay in the repayments column and reporting the same amount as a contribution from the candidate in Schedule 1A. **These loans must be executed in writing. Caution: Candidates may not carry outstanding loans from one campaign to the next. Each campaign is separate. Funds from one campaign cannot be used to repay a loan from a previous campaign.**

How to report loans

1. List the following information:

- a. amount of each new loan received during reporting period. (Column B)
- b. each loan and its balance from prior reporting periods. (Column A)
- c. each loan for which repayment was made during the period. (Column C)
- d. each loan for which a balance is outstanding at the end of the period. (Column D)

- 2. Add the amounts of all new loans received and carry the total of Column B to line 5 of the Report Summary on Page 7.
- 3. Add the amounts of all repayments made and carry the total of Column C to line 9 of the Report Summary on Page 7.
- 4. Add the amounts of all balances outstanding and carry the total of Column D to line 16 of the Report Summary on Page 7.
- 5. **Attach a copy of the loan agreement for each loan received during the reporting period.**

SCHEDULE 1B

LOANS

(A copy of the loan agreement for each loan secured during the filing period must accompany this report)

Bank Loans: List name & address of financial institution Candidate or Candidate's Spouse Loans: List name, residence and mailing address of person(s) making or cosigning loan	Column A	Column B		Column C		Column D
	Balance of previous loan at end of period	Amount of new loan received during period		Repayments during period		Balance outstanding at end of period
	Amount	Date	Amount	Date	Amount	Amount

Totals

--	--	--	--

Unpaid Bills

(For information, see page 5.)

Date	Full name, residence address (if a person) or business address (if a firm)	Purpose	Amount
		Total	

OATH OR AFFIRMATION

State of West Virginia, County of _____

I, _____, swear or affirm that the attached statement is true and correct, to the best of my knowledge, for all financial transactions occurring within the period covered by this statement.

_____ Signature of Candidate, Agent or Treasurer

Subscribed and sworn to before me this _____ day of _____, 200_____.

My commission expires _____.

Notary Seal

Signature of Notary Public

Note: All West Virginia notaries must use a rubber stamp when notarizing any document. Failure to do so may lead to the revoking of the notary's commission.

Office Use Only

CAMPAIGN FINANCIAL STATEMENT Short Form

§146-3-8.3
Addendum A

Relating to Elections Held in _____

(Supply all information requested. It is required by WV Code §3-8-5a.)

(For political committees, current election year. For candidates, year on ballot.)

IF YOUR ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES," YOU CANNOT USE THIS FORM. YOU MUST USE THE LONG FORM (FORM F-7) TO FILE YOUR CAMPAIGN FINANCE REPORT.

1. Have you made or accepted any loans to your campaign?
2. Have you had any fundraisers?
3. Have you received any miscellaneous receipts, such as refunds, checking account interest?
4. Do you have any unpaid bills?
5. Have you or anyone else given an in-kind contribution to your campaign?

Reporting Period (check one)

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> First or Annual
Due last Saturday in March or within 15 days thereafter | <input type="checkbox"/> Pre-Primary
Due 7 - 10 days before a primary election. | <input type="checkbox"/> Post-primary
Due 25 - 30 days after a primary election. | <input type="checkbox"/> Final Report (Campaign has zero balance, no loans or outstanding bills. Political committees must also file Statement of Dissolution (Form F-6) with this report.) |
| <input type="checkbox"/> First General Report
(Due last Saturday in September or within 15 days thereafter) | <input type="checkbox"/> Pre-General
Due 7 - 10 days before a general or special election. | <input type="checkbox"/> Post-General
Due 25 - 30 days after a general or special election. | |

Candidate or Committee Name	Treasurer
Political Party (for candidates)	Treasurer's Mailing Address
Office (for candidates)	
District/Circuit/Division (for candidates)	Treasurer's Daytime Phone #

REPORT SUMMARY

(Complete page 2 before entering totals on the Report Summary)

COLUMN A
Totals for this reporting period

COLUMN B
Election-to-date

Receipts	
1. Total Contributions (Schedule 1A)	
Expenditures	
2. Total Expenses (Schedule 1B)	

CASH BALANCE SUMMARY

(For information about the Cash Balance Summary, see page 3.)

3. Beginning Balance (from previous report)	
4. Total Contributions (from line 1)	
5. Subtotal (add lines 3 and 4)	
6. Total Expenses (from line 2)	
7. Ending Balance (subtract line 6 from line 5) <i>(This number is incorrect if it reflects a negative balance.)</i>	

SCHEDULE 1A

CONTRIBUTIONS

\$250 or less

\$250 or more

Date	Full Name	Amount	Date	Full Name: Address:	Amount
				Contributor's job: (Individual) Where works: (Individual) Affiliation: (Political committee)	
				Full Name: Address:	
				Contributor's job: (Individual) Where works: (Individual) Affiliation: (Political committee)	
				Full Name: Address:	
				Contributor's job: (Individual) Where works: (Individual) Affiliation: (Political committee)	
				Full Name: Address:	
				Contributor's job: (Individual) Where works: (Individual) Affiliation: (Political committee)	
Total					
(both columns)					

Schedule 1B

ITEMIZED EXPENDITURES

Date	Full name, residence address (if person); business address (if firm), mailing address (person and firm)	Purpose
TOTAL:		

Make as many copies of this page as you need.

OATH OR AFFIRMATION

State of West Virginia, County of _____

I, _____, swear or affirm that the attached statement is true and correct, to the best of my knowledge, of all financial transactions occurring within the period covered by this statement. I also swear or affirm that I or my campaign committee have not accepted any loans, had any fundraisers, or accepted or made any in-kind contributions to my campaign during this reporting period.

Signature of Candidate, Agent, or Treasurer

Subscribed and sworn to before me this _____ day of _____, 200_____.

My Commission Expires

Notary Seal

Signature of Notary Public

Note: All notaries must use a rubber stamp or seal when notarizing any document. Failure to do so may lead to the revocation of the notary's commission.

INSTRUCTIONS FOR REPORT SUMMARY

A Step-By-Step Guide

1. Fill in the election year covered by this report. Campaigns CANNOT overlap, so keep finances from other elections separate. For candidates, an election reporting period starts when the candidate files a pre-candidacy form or files for office, and ends when all debts of that campaign are paid. Political action committees supporting candidates or ballot issues, and conducting fundraising events from year to year should begin the election reporting cycle with the first report in an election year.
2. Answer the questions listed. If you have received any loans, had any fundraisers, have any unpaid bills, have any miscellaneous receipts (refunds, interest earned, etc.) or have given or received any in-kind contributions to your committee, you must fill out Form F-7 instead of the short form. DO NOT USE THIS SHORT FORM.
3. Check the box next to the appropriate reporting period. You may only file a final report if you have a zero balance and have no outstanding loans or bills. PACs that file a final report must also include a Statement of Dissolution (Form F-6).
4. If filing a candidate's campaign report, provide the name of the candidate, candidate's political party, the office and district for which the candidate is running, the treasurer's name, mailing address and daytime phone number. If filing a political committee report, provide the name of the committee, the treasurer's name, mailing address and daytime phone number.
5. Complete Schedules 1A (Receipts) and 1B (Expenditures) on page 2. AFTER you've completed the itemized report, fill in the totals from those schedules on page 1, Column A as follows:

RECEIPTS

Line 1: Total Contributions: Enter the contributions total from Schedule 1A.

EXPENDITURES

Line 2: Total Expenses: Enter expenses from Schedule 1B in Column A.

After entering the figures in Column A, add them to the figures in Column B for your election-to-date summary. If you are filing the first report of a campaign, the figures in both Column A and B will be identical. If you are a committee, the first report of the election cycle - the one filed on the last Saturday in March or 15 days thereafter in an election year - will have the same numbers in Column A and Column B. For political action committees, the last report of an election cycle is the annual report in the year following an election year.

CASH BALANCE SUMMARY

- Line 3: Beginning Balance: Enter the ending balance from your previous report. If this is your first report, the amount should be zero.
- Line 4: Total Contributions: Enter contributions from Line 1, Column A.
- Line 5: Sub Total: Add lines 3 and 4 in Column A.
- Line 6: Total Expenses: Enter the amount from Line 2, Column A
- Line 7: Ending Balance: Subtract Line 6 from Line 5, Column A.

WHERE TO FILE

File with the secretary of state if you are a candidate (or a committee, person or agent supporting candidates) for legislative office or other offices on the ballot in more than one county, or you are supporting or opposing an issue on the ballot in more than one county.

File with the county clerk if you are a candidate (or a committee, person or agent supporting candidates) for county offices, or single-county judicial circuits, or you are supporting or opposing an issue on the ballot in only one county.

File with the municipal recorder if you are a candidate (or a committee, person or agent supporting candidates) running for city office or you are supporting or opposing an issue on the ballot only in a city.

GENERAL RULES GOVERNING CONTRIBUTIONS AND THEIR REPORTING

When a person or political committee contributes money:

- a. Report the full name of the person or committee and the amount.
- b. If the amount totals more than \$50.00 (\$50.01 and up), it must be by check, money order, or other means of non-cash payment.
- c. If contributions from one person or group relating to this election total more than \$250.00 (\$250.01 and up), you must also report the residence and mailing address, and in the case of a person, the occupation (the person's job) and major business affiliation (where the person works.) For a committee, also include the committee's affiliation (the group, firm, association with which it is connected.)
- d. The maximum contribution allowed in connection with any campaign for nomination or election to any elected office is \$1000.00 (\$1000.00 for the primary and \$1000.00 for the general election). A candidate, however, may contribute any amount to his or her individual campaign committee.
- e. If a candidate spends his or her own money in the campaign, that amount must be listed as a contribution in Schedule 1A.

When a contribution is anonymous:

- a. If you can identify the donor, you must either properly report his/her identity or return the contribution to the donor.
- b. If you cannot identify the donor, report the contribution in Schedule 1A. You must then send an amount equal to the total of the anonymous contribution(s) to the State of West Virginia General Fund, c/o Secretary of State, Bldg. 1 Suite 157-K, 1900 Kanawha Blvd. East, Charleston WV 25305-0770. List the amount you sent to the General Fund as an expenditure in Schedule 1B.
- c. Do not spend anonymous contributions for your campaign.

When a corporation wants to contribute:

Corporations cannot make direct political contributions. They can, however, set up a separate, segregated fund called a Political Action Committee (PAC) for the purpose of soliciting political contributions from officers, stockholders, and administrative personnel. These PACs can make political contributions to support or oppose candidates or issues.

Instructions for Reporting Contributions (Schedule 1A)

1. Enter all contributions from the candidate, other individuals, political committees. If you received contributions from a fundraising event, you must fill out Form F-7. Use the left half of the page for contributions of \$250.00 or less and the right half for contributions of more than \$250.00.
2. For each contribution, enter the information as follows:
 - a. Date (month/day/year) the contribution **was received**.
 - b. Full name of each contributor. (For an individual, give the first, middle, and last. If you can't identify the donor, write "anonymous" in this column. (See instructions above for how to deal with anonymous contributions.)
 - c. If the contribution exceeds \$250.00 for this report and/or for the election-to-date, enter the contributor's complete mailing address, occupation (what the person does for a living) and major business affiliation (where the person works.) If a contribution from a committee is more than \$250.00 for this report and/or for the election-to-date, also include the committee's affiliation.
3. Total all contributions for the period and carry the total to Line 1 of the Report Summary.

GENERAL RULES GOVERNING EXPENDITURES AND THEIR REPORTING (Schedule 1B)

All expenditures made or liabilities incurred by a campaign must be reported. This requirement covers both actual payment and promises of payment. State law details the list of lawful campaign expenditures. The list is found in West Virginia Campaign Finance Laws, 1999 Edition, §3-8-9. You cannot spend campaign funds for personal use.

If your campaign has any unpaid bills for this period, you must fill out Form F-7 instead of this short form.

Enter the correct information for each transaction in Schedule 1B. Total all expenses and enter the amount on Line 2 of the Report Summary.

You must supply all information requested in this report. It is required by West Virginia Code §3-8-5a.