

CAMPAIGN FINANCIAL STATEMENT FOR THE ELECTION YEAR ~~10~~ 2002

Please check the appropriate box to indicate which report you are filing

- First or Annual:** Due last Saturday in March or within 15 days thereafter
 Pre-Primary: Due 7 - 10 days before a primary election.
 Post-primary: Due 25 - 30 days after a primary election.
 Pre-General: Due 7 - 10 days before a general or special election.
 Post-General: Due 25 - 30 days after a general or special election.
 Final report: Campaign fund has a zero balance and no loans or bills outstanding. There will be no further activity. (YOU MUST FILE A STATEMENT OF DISSOLUTION WITH THIS REPORT IF THE FILING IS FOR A POLITICAL ACTION COMMITTEE)

REPORT SUMMARY: COMPLETE ALL ITEMIZED SCHEDULES BEFORE ENTERING TOTALS HERE

TRANSACTION	SCHEDULE	COLUMN A: Total for this reporting period only	COLUMN B: Election to Date Totals from Column B in previous report PLUS total from Column A
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RECEIPTS

<u>CONTRIBUTIONS OF MONEY</u>			Office Use Only
1. Candidate contributions	1A		
2. Political committee contributions	2A		
3. Other itemized contributions	3A		
4. Fundraising events	4A		
5. TOTAL CONTRIBUTIONS (Add Lines 1-4)			
<u>OTHER INCOME</u>			
6. Miscellaneous Income	5A		
7. Loans received	1B		
8. TOTAL OTHER INCOME (Add Lines 6-7)			
<u>IN-KIND CONTRIBUTIONS</u>			
9. Value of non-cash contributions	6A		

EXPENDITURES

10. Itemized Expenditures	2B	92.36	
11. Repayment of Loans	1B		
12. TOTAL EXPENDITURES (Add Lines 10-11)		92.36	

CASH BALANCE SUMMARY

13. Beginning Balance (from previous report)	946.53	17. Unpaid Bills	2B	
14. Total Receipts (Add Line 5 & Line 8, Col. A)	+	18. Loans Outstanding	1B	
15. Subtotal (Add Lines 13 and 14)	=	19. Total Debts (Add Lines 17-18)		
16. Total Expenditures (From Line 12, Col. A)	- 92.36			
17. Ending Balance (Subtract Line 16 from Line 15)	= 854.17			

Note: This number must be used as your Beginning Balance on your next report.

(THIS NUMBER IS INCORRECT IF IT REFLECTS A NEGATIVE BALANCE)

GENERAL RULES GOVERNING CONTRIBUTIONS AND THEIR REPORTING

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

- a. **Whatever the amount, you must report the full name of the person or group and the amount;**
- b. If the amount totals 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. Foreign currency cannot be used;
- c. If the amount of contributions received from one person or group relating to this election year totals 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 major business affiliation (or employer) and occupation;
- 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), except that a candidate 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 (see instructions for Schedule 1A).

When a contribution is anonymous:

- a. If you can identify the donor, you must either properly report his or her identity or return the contribution to the donor.
- b. 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. When this is done, you should list the transaction under Schedule 2B as an expenditure to make your records balance.
- 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 in support or opposition to candidates or issues. Corporations **can** make contributions in ballot issue elections.

Contributions made to membership organizations:

Some political action committees may be considered to be "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 made 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 type of contribution. Also, if members make contributions independent of a payroll deduction or other assessment, the contribution must be listed the same as any other type of contribution.

Report contributions from:

- ✓ **Candidates** in Schedule 1A
- ✓ **PACs** in Schedule 2A
- ✓ **Individuals** in Schedule 3A
- ✓ **Fundraising events** in Schedule 4A

INSTRUCTIONS FOR SCHEDULE 1A (CANDIDATE CONTRIBUTIONS)

This section is to be completed only if the report is completed by a candidate or candidate's campaign committee or financial agent. **CAUTION: ONCE A CANDIDATE CONTRIBUTES MONEY TO HIS OR HER CAMPAIGN FUND, THAT MONEY CANNOT BE RETURNED.** If a candidate hopes to recover part of the money at the end of the campaign, a loan must be executed in writing. **REPORT LOANS ONLY IN SCHEDULE 1B.**

The campaign fund (regardless of whether or not a committee has been established) is separate and does not "belong" to the candidate. Therefore, if a candidate spends his or her own money in an election, that amount is also considered a contribution to the campaign fund. To properly report candidate contributions, enter the information as follows:

- a. The full name of the candidate, address and business affiliation or occupation;
- b. The date of the contribution;
- c. The amount of the contribution.

Total all contributions for the period and carry the total to line 1 of the Report Summary. **DO NOT LIST CONTRIBUTIONS FROM OTHER CANDIDATES OR CAMPAIGNS HERE; LIST THOSE CONTRIBUTIONS IN SCHEDULE 3A.**

INSTRUCTIONS FOR SCHEDULE 5A (OTHER RECEIPTS)

SCHEDULE 1A

ITEMIZED CONTRIBUTIONS FROM THE CANDIDATE: CASH AND CHECK RECEIPTS

Candidate:	Date	Amount
Address:		
Occupation & Business Affiliation:		
Total contributions from candidate:		

**ITEMIZED INDIVIDUAL CONTRIBUTIONS: CHECK RECEIPTS
OVER \$250.00**

Date	Amount	Date	Amount
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Full Name: Address: Occupation/ Business Affiliation:		Full Name: Address: Occupation/ Business Affiliation:	
Subtotal contributions of more than \$250.00			
Subtotal contributions of \$250.00 or less			
Total			

FUNDRAISING EVENTS
General Rules and Instructions for Schedule 4A

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 contributions cannot be accounted for.

What must be reported?

Unless the exceptions described below apply, money brought in through a fundraiser is subject to **exactly** the same rules as other contributions. The name of the contributor (or purchaser, if tickets, services, or merchandise is sold) and amount of each contribution, no matter how small, are always listed. The mailing and residence address, occupation and major business affiliation are listed only when the amount is more than \$250.00. Contributions over \$50.00 must be by check.

The information in the event summary is required by law.

Exceptions:

In 1994, the West Virginia Legislature passed a law that would allow political party executive committees to hold certain fundraisers without necessarily reporting 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 must be reported.**

What if I don't report all my contributors?

If the names of your contributors 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 WV General Revenue Fund.

1. For each fundraising event, fill out:
 - a. An event summary, giving all information requested.
 - b. An itemized receipts list, giving all contributors' names and the amounts received (and other information when required), along with total receipts.
 - c. Use separate summary form for each fundraising event.
2. List all itemized expenses (such as invitations, food, hall rentals) relating to any fundraising events on Schedule 2B. Include the total of those specific expenses in the event summary.
3. Total the gross receipts from all fundraising events and carry the total to line 4 of the Report Summary.

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 "Schedule 4A."

FUND RAISING EVENTS

EVENT SUMMARY

Date of Event: _____ Type of Event: _____

Name of Place Held: _____

Address of Place Held: _____

Total Receipts: _____ Total Expenditures _____

NET RECEIPTS (Total Receipts - Total Expenditures): _____

WARNING: ALL monies received by fundraisers must be itemized under Schedule 4A, regardless of the type of fundraiser you hold. WV Code §3-8-5a requires that the money be turned over to the WV General Revenue Fund if the contributions are not itemized. The only exception to this is detailed in West Virginia Code §3-8-5a and applies only to political party committees.

\$250.00 OR LESS

OVER \$250.00

\$250.00 OR LESS			OVER \$250.00		
Date	Full Name	Amount	Date		Amount
				Full Name:	
				Address:	
				Occupation/ Business Affiliation:	
				Full Name:	
				Address:	
				Occupation/ Business Affiliation:	
				Full Name:	
				Address:	
				Occupation/ Business Affiliation:	
				Full Name:	
				Address:	
				Occupation/ Business Affiliation:	
				Full Name:	
				Address:	
				Occupation/ Business Affiliation:	
Subtotal contributions of less than \$250.00			Subtotal contributions of more than \$250.00		
			Subtotal contributions of \$250.00 or less		
			TOTAL		

Receipts which are not classified as contributions must also be reported. These include refunds on bills paid, contributions to other candidates or PACs returned, interest on investments, checking accounts or savings accounts, sale of equipment, or any income not reported in Schedule 1A, 2A, 3A, or 4A.

1. Enter the date the funds were received, the source of funds, the type of receipt (interest, refund, equipment sale, return of contribution, etc.), and the amount.
2. Total all such receipts for the period and carry the total to line 6 of the Report Summary.

IN-KIND CONTRIBUTIONS

General Rules and Instructions for Schedule 6A

Contributions of things of value, other than money, must be reported as in-kind contributions. This would include such things as the use of a car, an office or building, office equipment or telephones for campaign purposes.

1. Enter the name of the contributor and the date this item was received.
2. Assign a reasonable value to the contribution, then treat the address/occupation reporting requirements the same as with any other contribution. (Remember, the \$1000 limit applies, no matter what type of contribution.)
3. Total all such receipts for the period and carry the total to line 9 of the Report Summary.

SCHEDULE 5A

OTHER RECEIPTS: MISCELLANEOUS, INTEREST, REFUNDS, ETC.

Date	Source of Income	Type of Receipt	Amount
Total			

SCHEDULE 6A

IN-KIND CONTRIBUTIONS

Date	Full Name Address & Occupation (if aggregate contribution exceeds \$250.00)	Description of Contribution	Value (Amount)
Total			

GENERAL RULES GOVERNING LOANS

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 who receives money or any other thing of value as a loan toward election expenses shall execute, in writing, an agreement with the individual, lending institution or organization making the loan. 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 entity. 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 over outstanding loans from one campaign to the next. Each campaign is separate, and funds from one campaign cannot be used to repay a loan from a previous campaign.

INSTRUCTIONS FOR COMPLETING SCHEDULE 1B

1. Give the required information for:
 - a. balance of any loans made in a prior reporting period (Column A);
 - b. amount of each new loan received during reporting period (Column B);
 - 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 7 of the Report Summary.
3. Add the amounts of all repayments made and carry the total of Column C to line 11 of the Report Summary.
4. Add the amounts of all balances outstanding and carry the total of Column D to line 18 of the Report Summary.
5. **Attach a copy of the loan agreement for each loan received during the reporting period.**

SCHEDULE 1B

LOANS

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

Bank Loans: List name & address of financial institution Individual 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	
Totals						

EXPENDITURES

General Rules and Instructions for Schedule 2B

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**.

§3-8-9 of the West Virginia Code lists what are considered to be permissible expenditures by candidates and committees. In 1986, the WV 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.

You must give ALL the information specified in the column headings in order 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. 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 haul voters), the breakdown of who finally received the money as payment for goods or services must be included in this report.

If you are paying people for time or expenses for your campaign, you must follow WV CSR §153-10 Election 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.

Enter the correct information for each transaction in the columns in Schedule 2B. Total all unpaid bills and transfer the amount to line 18 of the Report Summary. Total all expenditures and transfer the amount to Line 10 of the Report Summary.

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 "Schedule 2B".

PENALTIES

According to §3-8-7 of the West Virginia Code, 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.

ITEMIZED EXPENDITURES AND UNPAID BILLS (CONTINUED)

Date	Full Name, residence address (if a person) or business address (if a firm), mailing address	Purpose	Column A Amount Unpaid Bill	Column B Amount Expenditure
Totals				
Totals, All Pages				

OATH OR AFFIRMATION

State of West Virginia, County of Tucker

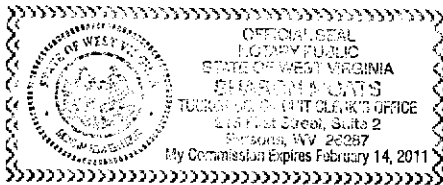
I, James S. Judy, swear or affirm that the attached statement is true and correct, to the best of my knowledge, for all financial transactions occurring within the period covered by this statement.

James S. Judy Signature of Candidate, Agent or Treasurer

Subscribed and sworn to before me this 3rd day of December, # 2002.

My commission expires 12-31-04

Notary Seal



Sharon K. Moats, Deputy Clerk
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.

