

ELECTIONS DIVISION



NATALIE E. TENNANT
Secretary of State

BEST PRACTICES GUIDE TO CAMPAIGN FINANCE

Revised 3/15/2011

2012 Election Campaign Finance Deadlines for West Virginia Candidates and Political Committees

as required by §3-8-5 of the W.Va. Code

REPORT	REPORTING PERIOD	REPORT DUE	EXEMPTIONS
Primary - First Report (2012 candidates & political committees) <hr/> 2012 Annual Report (for candidates in past elections with open campaign accounts & pre-candidates for future elections)	March 26, 2011 through March 30, 2012 <hr/> March 26, 2011 through March 30, 2012	March 31, 2012 through April 6, 2012 <hr/> March 31, 2012 through April 6, 2012	Candidates and political committees in which the total of all financial transactions during the reporting period does not exceed \$500 may submit a waiver.
Pre-Primary Report	March 31, 2012 through April 22, 2012	April 23, 2012 through April 27, 2012	No exemptions. All 2012 candidates and political committees must file a report.
Post-Primary Report	April 23, 2012 through May 20, 2012	May 21, 2012 through June 19, 2012	No exemptions. All 2012 candidates and political committees must file a report.
General - First Report	May 21, 2012 through September 23, 2012	September 24, 2012 through September 28, 2012	Candidates and political committees in which the total of all financial transactions during the reporting period does not exceed \$500 and in which there are no outstanding loans or unpaid bills may submit a waiver.
Pre-General Report	September 24, 2012 through October 21, 2012	October 22, 2012 through October 26, 2012	No exemptions. All 2012 candidates with open campaigns must file a report. All committees must file report.
Post-General Report	October 22, 2012 through November 18, 2012	November 19, 2012 through December 19, 2012	No exemptions. All 2012 candidates with open campaigns must file a report. All committees must file a report.
2013 Annual Report (2013 candidates & political committees) <hr/> 2013 Annual Report (Candidates in past elections with open campaign accounts & pre-candidates for future elections.)	November 19, 2012 through March 29, 2013 <hr/> March 31, 2012 through March 29, 2013	March 30, 2013 through April 5, 2013 <hr/> March 30, 2013 through April 5, 2013	Candidates and political committees in which the total of all financial transactions during the reporting period does not exceed \$500 may submit a waiver.

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This guide is to be used for information use only, and is a broad overview of the code and interpretations of others. Please contact the Elections Division of the West Virginia Secretary of State's Office at 1-866-767-8683 or by email at elections@wvsos.com for clarification. Please note that the code may change from the date of publishing and the examining of this guide.

Who must file campaign finance reports?

"Every candidate, financial agent, person and association of persons, organization of any kind, including every corporation, directly or indirectly, supporting a political committee ...including the treasurer or equivalent officer of the association or organization, advocating or opposing the nomination, election or defeat of any candidate, and the treasurer of every political party committee shall keep detailed accounts..."

(WV Code §3-8-5)

This includes:

- Pre-candidates** for future offices
- All Existing **Candidate Committees**
- Political Action Committees**
- Political Party Executive Committees**
- Any **Inaugural Committee**
- Any association of persons or group who influences the election or defeat of a clearly identified candidate.

What must be reported?

"...shall keep detailed accounts of every sum of money or other thing of value received by him or her, including all loans of money or things of value, and of all expenditures and disbursements made, liabilities incurred, by the candidate, financial agent, person, association or organization or committee, or any person acting under its authority or on its behalf." (WV Code §3-8-5)

Items which must be reported:

- All **Monetary Contributions** (Money)
- All **In-Kind Contributions** (Non-cash contributions of value)
- All **Loans** Received
- All **Expenditures**
- All **Unpaid Bills**
- Transactions Due to a **Fund-raising Event**
- All Uses of **Excess Funds**
- All **Other Income**

Where to file the reports for your committee? (WV Code §3-8-5b)

-With the **Secretary of State** if you are a candidate for a statewide, legislative, or an office encompassing more than one county

-With the **County Clerk** if you are a candidate for an office entirely within one county (not including legislative candidates)

-With the **Municipal Recorder** if you are a candidate running for city office

Starting a Candidate Committee:

Ideas of running for office have begun to take shape, and your campaign for office is ready to explore the possibilities of gaining support. In the growing demand for having your possible candidacy funded beyond your personal capacity, it will become necessary to find financial support from others who believe you are the right person for the job. It is time for you to “**test the waters**” of the political environment, further assisting the decision of possible candidacy.

When the time comes to test your ability to raise money in exploration of your candidacy for office, you must first declare the person who will be responsible for the committee’s financial transactions, also known as the **treasurer**. Treasurers are to have all financial transactions regarding the campaign committee “pass through their hands.” This declaration of forming a committee to raise and spend money on a possible candidacy is called a **Pre-candidacy Statement**.

Do I need to file as a pre-candidate?

Before accepting any contributions from sources other than the candidate, the committee must first file a pre-candidacy statement. On this pre-candidacy statement you must declare your committee’s treasurer, which is mandatory before you can accept contributions.

Naming a treasurer (WV Code §3-8-3)

Since all funds for the committee are the responsibility of the treasurer, and the time limitations of a candidate make it difficult to balance the duties of a treasurer and a candidate, it is highly recommended that you choose a treasurer for your committee early in the campaign. There are no limitations as to who can be a committee treasurer. It can even be the candidate of a committee, or the chairperson of a political action committee, if they are ready to handle the workload.

A treasurer must be designated at least 28 days before the election, and a treasurer may not be changed if it is past the deadline of 28 days before the election.

Creating a Committee Name

The name of your committee can be anything which you desire that is relevant to your candidacy. Common names are Committee to Elect _____, _____ for Senate 2012, or Friends of _____.

* Remember that your committee name must be on all printed material and advertisement. No anonymous election material can be printed or published.

When can I file as a pre-candidate?

In preparation of being a candidate, raising contributions and making expenditures, the candidate must declare a treasurer before contributions may be accepted, but declared no sooner than:

“Four years immediately preceding the term for which such person may be a candidate, or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less” (W.Va. Code §3-8-5e)

A few examples of the earliest times for filing of a pre-candidacy statement are:

- when filing for House of Delegates in 2012, the earliest date to file is December 1, 2010,
- when filing for State Senate in 2012, the earliest date to file is December 1, 2010,
- when filing as a Constitutional Officer in 2012, the earliest date to file is January 15, 2009.

Reporting Requirements of a Pre-Candidate (WV Code 3-8-5e)

The reporting requirements for a pre-candidate are the same as if they had filed as a candidate, with only a few exceptions. Every sum of money or other thing of value received, and all expenditures and disbursements made, and liabilities incurred must be filed in the same manner as candidates.

Differences in the reporting for pre-candidates relate to the timing of the reports. The pre-candidate, if they have not filed for candidacy, must file annually on the last Saturday in March or within 6 days thereafter. A waiver may not be filed for this report.

Declaring your Candidacy for Office: (WV Code §3-5-7)

“Any person who is eligible and seeks to hold an office or political party position to be filled by election in any primary or general election held under the provisions of this chapter shall file a certificate of announcement declaring as a candidate for the nomination or election to the office.”

Where to file your Certificate of Announcement Form

- With the **Secretary of State** if you are a candidate for the House of Delegates or the State Senate and any other office or political position to be filled by the voters of more than one county.
- With the **County Clerk** if you are a candidate for an office or political position to be filled by the voters of a single county or a subdivision of a county.
- With the **Municipal Recorder** if you are a candidate running for an office to be billed by the voters of a municipality.

Filing the Certificate of Announcement in the proper location is of the highest of importance. If the document is improperly filed, your ability to run for office could be seriously jeopardized. Late filings cannot be accepted for any reason.

Filling out your Certificate of Announcement

All items on the Certificate of Announcement must be completed prior to submission. Incomplete items can cause the announcement to be returned.

An **unexpired term** is a term of office that is available from a vacancy in an office that must be filled in the next election.

A **nickname** may be used on the ballot if it is in compliance with WV CSR §153-14, which is discussed on the next page of this guide.

Party affiliation indicates on which primary ballot you would like your name to appear. You may not declare a party affiliation if you have been registered with another party within 60 days before this announcement is filed.

Be certain to check the appropriate box to indicate which election you are eligible and qualified to be a candidate for.

The Certificate of Announcement must be accurate to the best of your knowledge. Violations of submitting inaccurate statements could cause charges of false swearing and removal of your name from the ballot.

Important Date on the Calendar

WV Code §3-5-7(a)(3) sets the period for filing for candidacy to be: “not earlier than the second Monday in January next preceding the primary election day, and not later than the last Saturday in January next preceding the primary election day, and must be received before midnight, Eastern Standard Time, of that day, or if mailed, shall be postmarked by the United States Postal Service before that hour.”

For the election year 2012, the period in which a candidate must file their candidacy for office is between Monday, January 9, 2012 and Saturday, January 28, 2012 at midnight. The certificate of announcement cannot be post marked or accepted before Monday, January 9, 2012. January 28, 2012 is the closing of the filing period, which means it must be post marked or hand delivered to the proper filing office prior to the midnight deadline of that evening.

Filing with the Ethics Commission

Within 10 days of filing the Certificate of Announcement, candidates must file a Candidate Financial Statement with the West Virginia Ethics Commission. If this statement is not returned to the Ethics Commission, the candidate’s name may not be placed on the ballot or take an oath of office. These forms are available at the location where you file the Certificate of Announcement. Please note that political party executive committee candidates **do not** file this form.

Prior to submitting this statement, all questions must be answered. If no answer is applicable, mark the box for none after the question. These statements are for public record and are for inspection at the Ethics Commission office. If there are any questions on how to complete this form please call the Ethics Commission at 1-866-558-0664. These forms are to be returned to:

WV Ethics Commission
210 Brooks St., Suite 300
Charleston, WV 25301

Filing Fees for Office (WV Code § 3-5-8)

At the time for filing of your candidacy for office there will also be a fee required to have your name placed on the ballot. This fee can be paid for by check, money order or credit card. Cash may be used if you file in person. Personal checks may be used; however if the check were to be returned for insufficient funds, your candidacy will not be certified. Checks are to be made payable to the Secretary of State's Office or the County Clerk's Office, whichever is applicable.

Federal Offices: (based on 1% of their salary)

President	\$2,500
U.S. Senate	\$1,740
U.S. House of Representatives	\$1,740

State Offices:

Governor	\$1,500
Commissioner of Agriculture	\$ 950
Attorney General	\$ 950
Auditor	\$ 950
Secretary of State	\$ 950
Treasurer	\$ 950
Justice of the Supreme Court	\$1,210
State Senate (based on 1% of their salary)	\$ 200
House of Delegates (based on 1/2% of their salary)	\$ 100

County Offices:

County Commission	\$198.00-\$369.60
Prosecuting Attorney	\$462.00-\$966.00
Sheriff	\$382.80-\$448.80
Assessor	\$382-80-\$448-80
Magistrate	\$436.25-\$500.00
Board of Education	\$25
Surveyor	\$10
Conservation District Supervisor	\$10

*Some filing fees are determined by the salary of the office. If the salary of the office changes before the official filing period, the filing fee will change.

Nicknames on Ballot (WV CSR §153-14-3)

A nickname may be placed within a name on the ballot by using quotation marks or within parenthesis, or used in lieu of the candidate's first name. Men may use Mr. with their name and women may use Miss, Ms., or Mrs. with their name. A candidate may not use a title or position with their name such as Dr., Rev., Sen., and Sheriff. No nickname which carries a common meaning of status can be used, such as Sarge, Coach, or Doc.

Name Pronunciation Form

When filing the Certificate of Announcement, the candidate is to be provided with a Name Pronunciation Form (form C-10) to return to the office where the announcement had been filed. This form is used to clarify the candidate's name to be read for the hearing assistance device in the voting systems on election day.

Ballot Positioning (WV Code 3-5-13a)

On February 21, 2012 at 9:00 a.m., at the office of the County Clerk, the ballot positions shall be selected by lot for any office or division for which more than one candidate is to be nominated. The notice of the date and time is on the Certificate of Announcement.

Last Day to Withdraw (WV Code §3-5-11)

The last day to withdraw your name from the 2012 Primary Election ballot is February 14, 2012. If no withdrawal request is submitted, your name cannot be removed from the ballot.

The Code of Fair Campaign Practices (WV Code §3-1B-5)

Voluntary Contribution Limitations

	<u>PRIMARY</u>	<u>GENERAL</u>
Governor	\$1,000,000	\$1,000,000
Constitutional Officers	\$ 150,000	\$ 150,000
Supreme Court	\$ 150,000	\$ 150,000
Circuit Judge	\$ 50,000	\$ 50,000
State Senate	\$ 50,000	\$ 50,000
House of Delegates	\$ 25,000	\$ 25,000

Expenditures which do not exceed the limits designated for the primary election may not be added to the limits for the general election.

At the time of filing for office, you will have an opportunity to subscribe to the Code of Fair Campaign Practices. The code is a voluntary pledge to adhere to a few guidelines which will create an atmosphere of campaigning that is constructive, ethical, and good-natured. The code has been in existence since 1995, and has had a successful rate of subscriptions from its conception and through the last election cycle.

Highlights of the code include:

- A pledge to adhere to campaign spending limitations
- To conduct your campaign openly and publicly
- To condemn false advertising or communications which are not fact
- To not coerce individuals under your authority to give contributions or election help
- To defend and uphold the right of every qualified voter to full and equal participation in the electoral process

Voluntary Subscription to the Code

To subscribe to and to adhere to the Code of Fair Campaign Practices is voluntary. In no event may any person be required to adhere to or endorse the code.

In the event that an opponent to a subscribing candidate of the Code of Fair Campaign Practices exceeds the campaign spending limitations, the candidate who has subscribed to the code who has not exceeded the spending limitations shall be automatically released from the portion of the code establishing the campaign spending limitations.

Who needs to register as a PAC?

There are a few criteria that must be met before a group can file as a PAC. These criteria determine who contributes money to the organization and who the group can spend money on. To determine if the spending of funds requires the organization to register as a PAC, there are a few questions that must be answered:

Q: Will this group be spending money to support or oppose candidates or political parties in an election?

A: If the answer to the question is yes, the group **must** be registered as a PAC.

Q: Does your corporation plan to organize to solicit contributions and spend funds on political purposes?

A: If the answer to the question is yes, the corporation **must** file as a corporate PAC prior to activity.

Q: Does the group plan to give donations to charities from this organization's funds?

A: If the answer to the question is yes, the group **may not** be registered as a PAC.

Q: Is the focus of the group an issue and **not** on the election or defeat of a candidate?

A: If the answer to the question is yes, the group **may not need** to register as a PAC.

Filling out the Statement of Organization

To register as a West Virginia Political Action Committee, you must first file a **Statement of Organization**. On this form you must state your committee name as you would like it to be addressed.

Next is the **association status** of the PAC which will be listed. Association status means the organization in which the organization is in conjunction with, whether it is a union, corporation, or group of individuals.

At the initial organization of your PAC, you must **designate a treasurer** to be responsible for the finances. You may not receive contributions to your organization unless a treasurer had been designated.

To organize a PAC you must have proper signatures from the chairperson of the PAC and the treasurer of the PAC as well. The treasurer who is designated will remain the treasurer until a new treasurer is designated in the same place in which your Statement of Organization had been filed.

Corporate Political Action Committees (WV Code §3-8-8 and WV CSR §146-1)

Although corporate political activity is not allowed, a corporation may set up a corporate PAC. The corporation may solicit funds to a “**separate segregated fund**” to be used for political purposes only. This type of committee is regulated by all of the same reporting requirements as a PAC. However this corporate PAC does have certain rules to abide in addition to the regulations of a non-corporate PAC.

Corporate political activity forbidden

“No officer of any corporation, or agent or person on behalf of such corporation, whether incorporated under the laws of this or any other state, or foreign country, shall pay, give or lend, or authorize to be paid, given or lent, any money or thing of value belonging to such corporation, to any candidate, financial agent or political committee or other person, for the payment of any primary or other expenses whatever. No person shall solicit or receive such payment, contribution or other thing from any corporation, officer or agent thereof, or other person acting on behalf of such corporation.” (WV Code §3-8-8)

It is unlawful:

- For a corporate PAC to receive a contribution from any person other than *“its stockholders and their immediate families and its executive or administrative personnel and their immediate families”*. (WV Code §3-8-8)
 - For a corporation to give money or anything of value belonging to the corporation to the corporation’s PAC.
 - To use money gained by job discrimination, financial reprisal or physical force or money gained by a commercial transaction.
 - To use money gained by job discrimination, financial reprisal or physical force or money gained by a commercial transaction.
- * Any person or corporation in violation of this provision shall be guilty of a misdemeanor, and on conviction shall be fined not more than \$5,000 dollars. (WV Code §3-8-8)

Solicitation of Corporate PAC Funds (WV Code §3-8-8 and WV CSR 146)

It is unlawful for a corporation to give money directly to any PAC. However, it may raise funds from individuals who are employed from the company which sponsors the PAC. Here are a few of the rules on how these funds are solicited from employees:

- A corporation is prohibited from soliciting funds by use of threat of force, job discrimination, financial reprisals or as any condition of employment.
- A guideline for contributions may be suggested, but cannot be enforced by direct or indirect means.
- At the time of solicitation of funds, the person soliciting the funds must tell the person solicited the political purposes of the PAC.

- Also at the time of solicitation of funds, the solicitor must inform the person solicited of the right to refuse to contribute without reprisal.

* A corporation may utilize a payroll deduction plan; check off system or other plan which deducts contributions from dividend or payroll checks of its restricted group.

527 Organizations

What is a 527?

The term **political organization**, as defined by the Internal Revenue Code §527(e), means “a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.”

Exceptions to filing as a 527

- The exceptions to this subsection are:
- Groups which reasonably anticipate that it will have gross receipts of less than \$25,000 in a taxable year
- A political committee of a state or local candidate or which is a state or local committee of a political party

State Requirements of a 527 (WV Code §3-8-12)

Before any 527 tax exempt organization solicits or accepts any contribution in the state of West Virginia, they must first file a Statement of Organization with the West Virginia Secretary of State's Office. This statement must include the organization's name, contact information, and the purpose of the organization as it is stated on their IRS Form 8871.

Once this information has been received, the organization may solicit and receive contributions in the state of West Virginia, with a contribution limit of \$1,000 per person, per election.

When any organization spends a total of \$5,000 or more on the costs of electioneering communications in the state of West Virginia during a calendar year, it must file a disclosure statement stating all contributions in relation to electioneering communications and must keep all records for a period of six months following the filing of the disclosure statement.

Keeping Records

Candidates “and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of **six months** records of receipts and expenditures which are made for political purposes.” (WV Code §3-8-2)

What must be tracked?

Every committee “shall keep detailed accounts of every sum of money or other thing of value received by him or her, including all loans of money or things of value, and of all expenditures and disbursements made, liabilities incurred, by the candidate, financial agent, person, association or organization or committee, for political purpose or by any officers or members of the committee or any person acting under its authority or its behalf.” (WV Code §3-8-5)

Records must include (but are not limited to)

- Contributions of money
- Contributions of items of value as an in-kind contribution
- Loans received by the committee and the loan agreement
- Amount of loans repaid by the committee
- Expenditures from the committee’s funds
- Bills that have yet to be paid, including payments of staff
- Transactions related to fundraising events
- Usage of excess funds and receipts of excess funds

Campaign Finance Reporting System On-line

Our Online Campaign Finance Reporting System will record, sort, and submit your campaign finances report online, without your organizing, transferring totals to other pages and tallying totals in the report yourself. The Campaign Finance Reporting System will not allow many errors to occur and will correct many unnecessary mistakes you may otherwise over look by accident.

Submitting reports on-line will eliminate errors in math, transferring of balances between reports, and entering information in the incorrect area of the report. At the touch of a button, you can file your report with the Secretary of State’s Office, no longer leaving your committee wondering if they had filed your report accurately.

This option of filing is only available for committees which are required to file with the Secretary of State’s Office.

Contributions:

What is a contribution? (WV Code §3-8-1a)

“The term” **contribution,**” as used in this article, shall mean 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 the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation.”

Contribution Limitations (WV Code §3-8-12)

The contribution amounts that an individual may give to any committee are set by West Virginia State Code §3-8-12 to be valued at **\$1,000 per primary election** and **\$1,000 per general election**. It is unlawful for the committee to spend any contributed funds which exceed the contribution limit. Excess contributions must be returned to the contributor. All items of value (cash and in-kind contributions) given to a committee are counted toward this limitation of \$1,000. A candidate may contribute as much as they desire to their own campaign; however they cannot be reimbursed unless it is treated as a loan, rather than a contribution.

2012 Candidate Election Cycles (WV CSR §146-3-3.3)

There are two possible contribution periods for a candidate in the 2012 election cycles. A contribution is in connection with the primary election if it is received on or before the primary election day. A contribution is in connection with the general election if it is received after the day of the primary and until the committee has paid all of its financial obligations after the general election had occurred.

*A contribution can be connected with a previous election contribution period if, with the consent of the contributor, it is clearly marked on the financial statement as a contribution for the previous period, provided that the funds are used to repay unpaid bills, loans or debts.

2012 PAC Election Cycles (WV CSR §146-3-3.4)

A political action committee during the 2012 election cycle has a contribution period which begins on the last Saturday in March on the non-election year, and extends to the day of the 2012 Primary Election. All contributions received during this time period are in connection with the 2012 Primary Election. The contribution period for the 2012 General Election begins on the day after the 2012 Primary Election and extends until the day before the last Saturday in March in the next non election year.

Acceptable Contributions

There are contribution types that are not allowed to be received by some committees. The capacity to receive a contribution is dependent on the type of committee you have created. Below is a list of possible contributions and if their contributions are acceptable to your committee.

Contribution Type	Allowable from Committee	Contribution Limit	Allowable from Excess Funds	Contribution Limit
State Candidate to State Candidate	No	n/a	Yes	\$1,000
State Candidate to PAC	No	n/a	Yes	\$1,000
State Candidate to Executive Committee	Yes	\$1,000	Yes	\$15,000
State Candidate to Inaugural Committee	No	n/a	No	n/a
State Candidate to §527	No	n/a	No	n/a
State Candidate to Federal Committee	No	n/a	Yes	Call FEC
State PAC to State Candidate	Yes	\$1,000	Yes	\$1,000
State PAC to State PAC	No	n/a	Yes	\$1,000
State PAC to Executive Committee	Yes	\$1,000	Yes	\$15,000
State PAC to Federal Committee	No	n/a	Yes	Call FEC
State PAC to Inaugural Committee	No	n/a	n/a	n/a
State PAC to a §527	No	n/a	n/a	n/a
Executive Committee to State Candidate	Yes	\$1,000	n/a	n/a
Executive Committee to PAC	No	n/a	n/a	n/a
Executive Committee to Executive Committee	Yes	\$1,000	n/a	n/a
Executive Committee to Inaugural Committee	No	n/a	n/a	n/a
Executive Committee to Federal Committee	No	n/a	n/a	n/a
Federal Committee to State Candidate	Yes	\$1,000	n/a	n/a
Federal Committee to Executive Committee	Yes	\$1,000	n/a	n/a
Federal PAC to State Affiliate PAC	Yes	\$1,000	n/a	n/a
Federal PAC to Any Other PAC	No	n/a	n/a	n/a
Corporation to State Candidate	No	n/a	n/a	n/a
Corporation to State PAC	No	n/a	n/a	n/a
Corporation to Executive Committee	No	n/a	n/a	n/a
Corporation to Inaugural Committee	Yes	\$5,000	n/a	n/a

Person entering into state contract...

“... no person entering into any contract with the state or its subdivisions, or any department or agency of the state, either for rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency of the state, if payment for the performance of the contract or payment for the material, supplies, equipment, land or building is to be made, in whole or in part, from public funds may, during the period of negotiation for or performance under the contract or furnishing of materials, supplies, equipment, land or buildings, directly or indirectly, make any contribution to any political party, committee or candidate for public office or to any person for political purposes or use; nor may any person or firm solicit any contributions for any purpose during any period.” (West Virginia State Code §3-8-12(d))

Fund-Raisers (WV Code §3-8-1a)

A **fund-raising 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 the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.” (West Virginia Code §3-8-1a)

Fund-raising events are to be reported separately from other transactions, with those transactions being grouped by fund-raising event. A total Net Receipt of Funds must also be accounted for.

Don't Pass the Hat

“Passing the hat” at a meet-the-candidate dinner or other type of fundraiser is used to bring in contributions anonymously. If a contribution is received anonymously, and the contributor cannot be identified, the money must be turned over to the State General Revenue Fund.

Cash Contributions (WV Code 3-8-5d and 3-8-5a)

A cash contribution can be accepted for up to \$50. The name of the contributor must be recorded, or it must be returned to the State General Revenue Fund. All contribution amounts above \$50 must be by means other than cash.

In Kind Contributions

An **in-kind** contribution is a contribution to a committee which is something of value, with the exception of money. Examples of in-kind contributions are the use of a cell phone, use of a car, discounts of a price, use of a home for a fund-raiser, etc. These contributions are to be reported at the fair market value of the use of the resources, and are subject to the contribution limits of the individual giving the contribution.

Independent Expenditure

If an individual makes an expenditure without the consent or collaboration of a candidate or a member of the candidates committee, the expense is an independent expenditure. If an independent expenditure is made after the eleventh day but prior to 12 hours before the day of an election and the amount of the expenditure is over \$1,000 (\$500 for a municipal election), a report must be filed with the Secretary of State's Office within 24 hours of the expenditure.

Raffles

Although raffles are a common way for a charitable organization to raise money, a candidate committee and a political action committee are prohibited from holding a raffle by West Virginia Code §47-21-2. To organize a raffle the group must have a license from the West Virginia Tax Department. Political Party Executive Committees are the only political organizations that can hold a raffle after obtaining a license.

Anonymous Contributions (WV Code §3-8-5a(j))

All contributions must be identified with the full name of the person or group which gave the donation. If the identification of the donor of a contribution cannot be determined, the donation must be given to the State of West Virginia General Fund. Send an amount equal to the anonymous contribution to:

West Virginia General Revenue Fund
c/o Secretary of State's Office
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305

Spending Money

The committee has now raised money (contributions, transfers of money, loans, out of pocket expenses, etc., and is now ready to spend the funds for electioneering purposes. These committee funds may not be spent for any purpose desired. No money may be spent from committee funds unless it is allowed by West Virginia Code §3-8-9 or CSR §146-3-6. This is to ensure that the funds are spent on electioneering purposes only, without exception. These expenditures are listed on the next page.

Records of all transactions are to be kept for six months after date of the transaction. The information to be kept for reporting purposes are:

- the name of the person or business to which the expenditure was given,
- the date of the transaction,
- the purpose of the transaction, and
- the amount of the expenditure.

Things to remember about spending money...

All expenditures must be reported. Detailed accounts of all expenditures, disbursements made and liabilities incurred must be reported.

Money spent out-of-pocket on the election must be reported as an expenditure. If money is spent on behalf of a candidate, and is not reimbursed by the committee, it must be reported as an in-kind contribution, and is subject to contribution limitations.

An active candidate's committee (before the election date of the candidate) cannot give donations to other candidates committees or Political Action Committees. This activity is not allowed by West Virginia Code §3-8-9.

An active committee (candidate or PAC) cannot give a donation to a charitable organization.

All expenditures must be made at a rate and an amount which is "proper and reasonable" to the services purchased.

An expenditure made is to be reported on the date in which the check is written or transfer of funds takes place.

Allowable Expenditures include: (West Virginia State Code §3-8-9 and CSR §146-3-6)

1. *for rent, maintenance, office expenses and other furnishing of offices to be used as stenographers, typists, janitors and messengers actually employed therein;*
2. *In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets other office equipment and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, the rental of the use of the same, or for the payment for the shared use of same with the candidate's business and for the payment of necessary clerks, stenographers and typists, actually employed;*
3. *For printing and distributing books, pamphlets, circulars and other printed matter and radio and television broadcasting and painting, printing and postage signs, banners and other advertisements, including contributions to charitable, educational or cultural events, for the promotion of the candidate, the candidate's name or an issue on the ballot;*
4. *For renting and decorating halls for public meetings and political conventions, for advertising public meetings, and for the payment of traveling expenses of speakers and musicians at such meetings;*
5. *For the necessary traveling and hotel expenses of candidates, political agents and committees and for stationery, postage, telegrams, telephone, express, freight, and public messenger service;*
6. *For preparing, circulating and filing petitions for nomination of candidates;*
7. *for examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein and conducting proceedings to prevent unlawful registration or voting;*
8. *for conveying voters to the polls.*
9. *for securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments and any information relative to any political issue, candidate or question or proposition submitted to a vote;*
10. *for conducting public opinion poll or polls. For the purpose of this section, the phrase "conducting of public opinion poll or polls" shall mean and be limited to the gathering, collection, collation and evaluation of information reflecting public opinion, needs and preferences as to any candidate, group of candidates, party, issue or issues. No such poll shall be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition or other matter to be voted on by the public at any election: Provided, That nothing herein shall prevent the use of the results of any such poll or polls to further, promote or enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election;*
11. *For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9) and (10) of this subsection;*
12. *for the purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party;*
13. *for the purchase of nominal noncash expressions of appreciation following the close of polls of an election or within 30 days thereafter;*
14. *for the payment of dues or subscriptions to any national, state or local committee of any political party; and*
15. *for contributions to a county party executive committee, state party executive committee or a state party legislative committee.*

Completing a Financial Statement

Determining which form to use

There are a few questions that you may ask of the committee that will help your determination of which form to use. If your answer to any of the following questions is YES, you must file a **Long Financial Statement**:

1. Has your committee received any loans?
2. Has your committee held any fundraisers?
3. Has your committee received any miscellaneous receipts, such as refunds or checking account interest?
4. Does your committee have any unpaid bills or loans?
5. Have you or anyone else given an in-kind contribution to your campaign?
6. Has your committee given or received a transfer of excess campaign funds?

The **Short Financial Statement (F-7A)** includes contributions and expenditures. This form is designed to accommodate the committees that do not have any transactions besides contributions and expenditures. This form does not include all the information required in a financial statement required by West Virginia State Code §3-8-5a. If your committee has any other type of transaction you must file a **Long Financial Statement**.

The **Long Financial Statement (F-7)** includes all activities that are required from West Virginia State Code §3-8-5a.

F7 -Campaign Financial Statement (Long Form)

After filling out the contact information for your committee and treasurer, you must then select the reporting period for your financial statement. These reporting periods are determined by the timing of the election cycle which your candidacy will be voted upon.

The **election cycle reporting periods** are the time periods during an election year when reports must be filed stating the receipts and expenditures of your committee during that time span. These reports are to be filed in succession of one another.

A **Non-Election Cycle report** is a report which is due annually, on all years other than the year of the election for your office. When marking this report, you also must write the year in which the report is due in the line provided.

An **Amended report** is filed to replace a previously submitted report. Both the amended report box and the reporting period which will be amended must be clearly marked.

If a report is to be a **Final report**, closing your account, the final report box must be marked, and the reporting period must be marked only if it is submitted during a required reporting period.

Reporting Contributions \$250 or Less

On page 2 of the “Long Form” you are to report the contributions that your committee has received that are \$250 or less. The information required to be given about the contributors are stated in WV State Code §3-8-5a, and include:

If the contributor is an individual, you must include the name of the person contributing, along with the date of the contribution and the amount which was given.

If the contributor is an association or committee, you must include the full name of the association or committee, along with the date of the contribution and the amount which was given.

At the completion of reporting the contributions which are \$250 or less, you must then calculate the total of all the contributions and place the total here. This total is then to be transferred to page 3 to be added with contributions over \$250.

Reporting Contributions Over \$250

On page 3, this is the listing of all contributions that are over the amount of \$250. These contributors must list all the information for the contributions which are \$250 or less and include the address, contributor’s job, where the contributor works, or the affiliation of the political committee if it is not an individual.

Contributor’s job - The occupation of the individual who had contributed. Examples: attorney, doctor, homemaker, retired, etc.

Where contributor works - The place in which the contributor is employed. This will be the primary employment of the contributor.

Affiliation - The business which the PAC was sponsored by.

The totals of contributions from pages 2 and 3 are to be added together to come up with the total contributions. This total of the contributions is to be transferred to the **Report Summary** on page 1.

Reporting a Fund-raising Event

Page 4 of the Financial Statement is to summarize a **Fund-raising Event**. The required information for contributors at the event mirror the Pages 2 and 3 requirements. These contributors are to be listed only on the Fund-raiser page of the financial statement.

Total Monetary Contributions - Total of money received (cash or check) in connection with this particular fund-raising event.

Total Expenditures - All committee funds spent in relation to the fund-raising event. These expenditures are to be itemized on page 7 of the financial statement.

Net Receipts - This will be the total amount of funds accumulated in relation to the fund-raiser. It is the total amount of money raised for the event with the total amount of committee money spent on the fund-raiser taken out.

Total In-Kind Contributions - The total of the amount of In-Kind contributions given in relation to the fund-raiser. These In-Kind contributions are to be itemized on page 5 of the financial statement.

The **Total Monetary Contributions from all Fund-raising** events are to be totaled together and transferred to the report summary on page 1 of the report.

Reporting Other Income and In-Kind Contributions

On page 5, you are to report all **Other Income** to your committee that is not described as a contribution. Some of the sources of other income are interest on bank accounts, returned checks or sale of equipment.

The information needed for other income are the date of the receipt, source of the income, the type of receipt (brief description), and the amount of the transaction. The **Total Other Income** is to be transferred to the report summary on page 1 of the report.

Also on this page, you are to report all **In-kind contributions** during the reporting period. (A definition of In-Kind Contribution is on page 28). On this page you will need to include the date of the transaction, name and other information of the contributor if the amount is over \$250 (job, where contributor works, and affiliation if it is a PAC as described on previous page.), and amount of the contribution.

*The itemized in-kind contributions are to include the in-kind contributions made toward a fund-raising event as well.

The **Total In-Kind Contributions** is to be transferred to page 1 of the report, and put in the Report Summary.

Reporting Loans

On page 6 of the financial statement you are to report all **loans** taken by the committee. If a loan is taken, all the information is to be completed on this page, and a loan agreement is to be completed and returned, accompanying the financial statement showing the loan.

The information needed to be listed for loans includes:

- The name and address of the candidate, candidate's spouse, or banking institution.
- The balance of the loan from the previous report. This will be the same amount as reported for and outstanding balance in column D of the previously submitted report.
- The amount of all new loans received during this period.
- Repayments made during the reporting period.
- And the outstanding balance of each loan listed at the end of the reporting period.

The **Total of Loans Received, Total Repayment of Loans, and Total of Outstanding Loans** are to be transferred to page 1 and put in the **Report Summary**.

Reporting Itemized Expenditures

On Page 7 of the Financial Statement you are to report the **Itemized Expenditures** of your committee during this reporting period. The information required for each independent expenditure includes the date, name of person or vendor address, purpose, and the amount of the expenditure by the committee.

The **Date** of the expenditure is the date on which the treasurer writes the check or transfers the cash to any person to pay for goods or services rendered.

The **Name of Person or Vendor and Address** is the contact information of the individual or entity to whom the expenditure was given.

The **Purpose** of the expense must be a purpose outlined in WV Code section §3-8-9 to be authorized. This purpose must be listed for compliance purposes.

Upon completion of the listing of itemized expenditures, the **Total of Itemized Expenditures** is to be transferred to page 1 and put in the **Report Summary**.

Uses of Excess Funds

On page 8, you are to report all activity that is covered by CSR §146-3-7, which is the rules on disposing of excess campaign assets. The two types of reporting of excess funds are the receipt of a transfer of funds and a disbursement of excess funds.

A **Receipt of a Transfer of Excess Funds** is a transfer of funds, from a committee that is past their respective election day, to your committee which is reporting. The name of the candidate's committee transferring the funds must also include the year in which the committee was on the ballot.

A **Disbursement of Excess Funds** is a lawful expenditure from your committee, after the respective Election Day.

The **Total Receipts of Transfers of Excess Funds** and the **Total Disbursements of Excess Funds** are to be transferred to page 1 and put in the **Report Summary**.

Unpaid Bills and the Oath

On the final page of the report you are to list all **Unpaid Bills** at the date of the closing of the reporting period, and the **Oath or Affirmation** of the document.

All unpaid bills must be reported to ensure that all obligations and debts are accounted for, and full transparency of your committee funds are shown.

The oath or affirmation section is to be completed by the candidate, financial agent or treasurer of the committee stating that the attached statement is true and correct for all financial transactions occurring within the period covered by the statement.

F7A - Campaign Financial Statement - (Short Form)

When filing the **Short Form**, there are fewer items on the report. If your committee is required to reflect any other type of activity on the report than is offered, you must file the **F7- Long Form**.

After completion of the required committee name and information, you must mark which reporting period your report is for. (A calendar of campaign finance deadlines can be seen on Page 2 of this guide.) Explanations of the reporting cycles are on Page 21 of this guide.

The reporting guidelines and requirements remain the same for the short form as with the long form. On page 2 of the form, you are to report the name of all contributions and the addresses, occupations and affiliation of contributors over \$250. The expenditures must be reported with the date of transaction, amount of transaction, person who was paid, and the purpose of the expenditure.

Once Page 2 of the report is complete, you must transfer the totals from expenditures and contributions to the **Report Totals** section on page 1. Your beginning balance on the Report Totals section will be the ending balance from your previous report submitted. Once you add your beginning balance with your total contributions, you must subtract your total expenditures for the period. This will give your ending balance for the reporting period.

Once the report totals for the reporting period have been transferred and completed on the Report Summary section, you must then total the election year-to-date totals. This is to reflect the amount of **contributions received election year-to-date** and the amount of **expenditures election year-to-date**. The easiest way to equate the election year-to-date totals are to add the newest reporting total of both the contributions and expenditures with the election year-to-date totals of the previous report submitted for your committee. These amounts will reflect every sum of money received as a contribution or used as an expenditure at the time that the report is being completed.

Filing a Waiver

Who can and when can a waiver be filed? (WV Code §3-8-5)

To qualify for submitting a waiver, a candidate or committee must meet the following requirements:

To waive an **Annual or the Primary - First Report** during an election year, the total of all financial transactions relating to an election may not exceed \$500 during the reporting period.

* Precandidates may not file a waiver to replace their Annual report. It is mandatory that this be filed.

To waive the **General - First Report**, the total of all financial transactions relating to an election may not exceed \$500 during the reporting period **AND** may not have any outstanding loans.

Late, Incomplete or Inaccurate Statements

If a financial report has not been submitted in a timely manner, your committee may be subject to the penalty provisions of West Virginia Code §3-8-7. The reporting dates are listed on page 1 of this guide. If a report is submitted early, it cannot be accepted. A report which is submitted early will not include all financial transactions until the completion of the final day of the reporting period.

Some incomplete or inaccurate reports will also need to be returned to the committee. If a report is returned to your committee, late penalties may be issued until the report is submitted to the proper filing official. Most common incomplete or inaccurate statements that are returned include:

- Committee name and election year are not accurate
- Wrong reporting period box
- Marked expenditures not for the indicated reporting period.
- Final report indicated with an ending balance, unpaid bills or loans.
- Oath or Affirmation not signed or not signed by an appropriate person.

Penalty Provisions

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 \$500 or both, at the discretion of the court. This penalty also applies to “grossly incomplete or inaccurate” financial statements. Civil penalties of \$25 a day for each day a report is late or grossly inaccurate may also be levied. 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 Recorder) to review or audit financial reports in order to ensure compliance with campaign finance laws. 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.

Glossary of Terms

527 Committee

A tax-exempt group organized under section 527 of the Internal Revenue Code to raise money for political activities including get out the vote efforts, issue advocacy and such related activities. WV Code requires an IRC 527 organization to file with the West Virginia Secretary of State's Office a Statement of Organization prior to soliciting or receiving contributions. This 527 organization then must file disclosure reports after the organization spends \$5,000 or more on electioneering communications, and also has a contribution limit of \$1,000 per individual per election cycle.

Anonymous Contribution

A contribution given to a committee for which the contributor cannot be identified. Anonymous contributions cannot be used, and must be given to the State General Revenue Fund.

Buckley v. Valeo

A 1976 U.S. Supreme Court case in which the majority ruled that mandatory limits on campaign spending, candidates' spending of their own money, and independent expenditures are violations of the constitutional right to free speech and thus prohibited. The same decision upheld the constitutionality of limits on individual and committee contributions to candidates and campaign contribution disclosure. The Buckley ruling applies to state and local, as well as federal, elections.

Candidate

An individual who:

- (A) filed a certificate of announcement;
- (B) filed a declaration of candidacy under section twenty- three, article five of chapter three;
- (C) been named to fill a vacancy on a ballot; or
- (D) declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county or municipal office or party office to be filled at any primary, general or special election.

Certificate of Announcement

A filing due between January 9, 2012 and January 28, 2012, in which a candidate declares their candidacy for office. The information received on the Certificate of Announcement will be used to provide ballot information.

Clearly identified

The name, nickname, photograph, drawing or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an unambiguous reference such as "the Governor," "your Senator" or "the incumbent", or through an unambiguous reference to his or her status as a candidate such as "the Democratic candidate for Governor" or "the Republican candidate for Supreme Court of Appeals."

Candidate Committee

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 support or aid 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 of the purpose of contribution limits.

Contribution

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 conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation.

Contribution Limit

The maximum amount of money that a person or group may contribute to a candidate's campaign committee, or a political organization

Electioneering Communication

Any paid communication made by broadcast, cable or satellite signal, or published in any newspaper, magazine or other periodical that:

1. Refers to a clearly identified candidate for a statewide office or the Legislature;
2. Is publicly disseminated within:
 - 30 days before a primary election at which the nomination for office sought by the candidate is to be determined; or
 - 60 days before a general or special election at which the office sought by the candidate is to be filled; and
3. Is targeted to the relevant electorate.

Express Advocacy

Political activities that target the election or defeat of a clearly identified candidate and is regulated by state election law. In the 1976 *Buckley v. Valeo* decision, the Supreme Court listed examples of words that constitute express advocacy, including vote for, elect, defeat, support, vote against, reject, _____ for Senate and cast your ballot for ____.

Financial Agent

Any person acting for and by himself or herself, or any two or more natural persons acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

General Election

An election in which a candidate is elected to public office.

In-Kind Contribution

A contribution of services or goods given to a committee. These in-kind contributions are counted against individual contribution limits to the organization.

Inaugural Committee

A fund-raising committee organized to pay for an inauguration ceremony. Contributions to an inaugural committee have a limit of \$5,000. Excess inaugural funds must be transferred to either the Governor's Mansion Fund, an educational, cultural or charitable organization.

Issue Advocacy

Political communications that are framed around an issue. Groups may raise and spend money for issue ads, but if the value of these ads is more than \$5,000 and if the ads are run by a 527 organization and defined as electioneering communications, they must file a disclosure statement with the Secretary of State's Office.

Independent Expenditure

An expenditure of money for advertisements or other communications which expressly advocate the election or defeat of a candidate, which is not made in conjunction or coordination with any candidate or candidate's campaign committee. The U.S. Supreme Court has ruled that independent expenditures constitute free speech and cannot be limited by law.

Mass Mailing

A mailing by United States mail, facsimile or electronic mail of more than five hundred pieces of mail matter of an identical or substantially similar nature within any thirty-day period.

Political Action Committee (PAC)

A popular term for a political committee that is not a candidate's campaign committee or a party committee that is organized for the purpose of raising and spending money to elect and defeat candidates.

Political Purposes

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

Pre-Candidate

A person who is raising money for a possible future candidacy. Upon filing a pre-candidacy form with the proper official, the pre-candidate has the same capabilities for raising and spending funds as a candidate for office would under West Virginia Code.

Testing the Waters

Exploring the feasibility of becoming a candidate for a particular office. Once a candidate decides to raise contributions in support of their future candidacy, they must first file a pre-candidacy form with the proper official.

Common Questions

Where can I get campaign finance forms?

If you are a candidate for statewide, legislative or multi-county judicial office, you can get reporting forms from the Secretary of State's Office. Those forms will be supplied to you if you are a precandidate for office, or when you file a Certificate of Announcement.

For county candidates and committees, contact your county clerk for reporting forms. For municipal candidates and committees, contact your municipal recorder.

All campaign finance forms are also available on-line at www.wvsos.com.

Are campaign financial statements available for the public to see?

Yes. The reports for statewide, legislative and multi-county judicial candidates and committees who support these candidates are filed with the Secretary of State's Office. Beginning with the election of 2000, campaign financial reports for candidates and committees are available on the web, posted within 24 hours after they are received. To view these financial reports on the Internet, visit us at www.wvsos.com.

To view reports for county candidates and committees, contact the county clerk where those candidates are on the ballot or where the committees are active.

Is there a deadline for a political committee to form so that it is eligible to participate in an election?

A committee must file a statement of organization with the proper office at least 28 days before the election in which it wants to participate. If the committee will support statewide candidates, legislative candidates and multi-county judicial candidates, file the statement of organization with the Secretary of State. If the committee will only support county candidates, file the statement of organization with the county clerk.

Is there a deadline to appoint a treasurer or financial agent?

Yes. A treasurer or financial agent must be named in writing at least 28 days before an election. The form to use to designate a treasurer is Form F-3.

What are the duties of a treasurer and financial agent?

A treasurer or financial agent keeps track of all contributions and expenditures and submits campaign finance reports to the proper official.

What if a treasurer or financial agent wants to resign?

A treasurer or financial agent can resign, but a new treasurer or financial agent must be named before the resignation is official. The old treasurer continues to be responsible for a committee’s finances until a new treasurer is appointed. The appointment is not official until a Change of Treasurer form is submitted to the proper office. The Change of Treasurer Form (F-7) is available on-line at www.wvsos.com.

What if a candidate does not appoint a treasurer or financial agent?

If the candidate does not appoint a treasurer or financial agent at least 28 days before the election, the candidate must serve as the treasurer or financial agent.

Can I “pass the hat” at an event to get campaign contributions?

No, contributions may not be accepted as anonymous. The treasurer must keep track of the names of the contributors of money given. No matter how small the amount of the contribution sources of the contributions, they are considered to be anonymous and must be turned over to the West Virginia General Revenue Fund.

Can I have a raffle to raise campaign money?

Candidates are prohibited by West Virginia Code §47-21-2 from holding raffles. Other organizations, such as political action committees, must have 501(c) status with the West Virginia Department of Tax and Revenue, and must have a license to conduct raffles. If you have questions about raffles, contact the WV Department of Tax and Revenue at (304) 558-0211.

Can I accept a cash contribution?

Cash contribution may only be accepted if it is \$50.00 or less. If the contribution is more than \$50.00, the contribution cannot be cash. Any contribution of more than \$50.00 can be by check, money order, credit card or electronic transfer. You cannot accept foreign currency.

Can I accept money from a corporation?

No. You may, however, accept money from a corporate political action committee.

What is the difference between a candidate contribution and a candidate loan?

A candidate who contributes money to his or her campaign cannot get that money back, even if the campaign has excess money. A candidate who loans money to his or her campaign may be able to get some or all of that money back if the campaign has excess money. If a candidate wants to keep open the possibility of getting back personal money, the candidate should loan money to the campaign rather than make a contribution.

If a candidate loans money to his or her campaign, and does not have excess campaign money to repay it, how does that candidate deal with the loan?

The candidate has two options. The first option is to keep the campaign open with the hope that the candidate's campaign might receive contributions to help retire that loan. Contributors who give money to the campaign must indicate that the money is going toward a past campaign to retire the debt.

The second option is for the candidate to forgive the loan. The way a candidate forgives a loan is to list the loan as a contribution from the candidate. The loan balance will then be zero.

Who can loan money to a candidate's campaign?

A candidate, the candidate's spouse, and a financial lending institution can lend money to a candidate's committee.

How do I report an in-kind contribution?

Set a fair value for the contribution. For some contributions, such as postage or food for a reception, the amount of the contribution is already established. For a contribution such as use of a home for a fundraiser, place a fair market value on the contribution. (If it would have cost \$250.00 to rent a place for the fundraiser, use \$250.00 for the value of the contribution.)

Can two or more candidates purchase media space (time or written word etc.) together?

Yes, if the following procedures are used:

1. Arrangements and the payment are made up-front and separately by each candidate for each candidate's proportionate share (50% and 50%) of the space used. (One candidate cannot make the arrangements, pay the bill and then get reimbursement from the other candidate(s).)
2. Each candidate must make his or her own arrangements with the appropriate vendor.
3. Each candidate must make his or her payment to the appropriate vendor.

4. Each involved candidate must then report the amount as an expenditure on the appropriate campaign finance report.
5. The space must also exhibit the appropriate disclaimer(s).

I lost in the primary. Do I have to keep filing financial reports?

You will still have to file reports during the general election if you have outstanding debts or money left in the campaign. After the general election, you will have to file an annual report each year that has over \$500 in activity, until your campaign pays any outstanding loans or bills, and the campaign account has a zero balance. Once your campaign has a zero balance, you can file a final report.

Investigation Unit

Authorization

West Virginia State Code §3-1A-8 provides authority for the Secretary of State to employ investigators. These investigators are empowered with the authority to investigate all election law violations as well as criminal law violations.

A message from Secretary of State Natalie E. Tennant

As Secretary of State, I take the responsibility of ensuring fair and honest elections very seriously. As the state's chief election officer, I have complete confidence in our Investigation Unit. The members of the Investigation Unit are highly trained and committed to the enforcement of West Virginia's election laws. The simplest but most powerful right of democracy, the right to vote, must not be undermined by the unscrupulous acts of others.

The Investigation Unit along with other members of my staff will ensure a level playing field for all candidates running for public office. Those who commit election fraud undermine our right to vote and corrupt our democracy. There will be a zero tolerance approach when investigating deception of the public by any unlawful or technical actions designed to skew the results of an election.

Please help my office in this undertaking by reporting any election law violations you may witness. Together we will protect the integrity of our elections and our privilege to vote.

Citizens who believe a violation of election laws have occurred may call our Investigations Unit toll free at 1-877-372-8398. This staff member will verify information for our records and assist you with the filing of your complaint. You may also visit www.wvsos.com and complete and election complaint form.

Once this form is received it will be reviewed by our Chief Legal Counsel for validity to determine the most appropriate course of action to be taken on your complaint. Once assigned to the Investigation Unit, the election complaint will be subjected to a very thorough and professional investigation. This investigation will, at a minimum, consist of interviewing witnesses, collecting evidence and submitting a written investigative report giving specific details of the entire investigation.