



# CANDIDATE CAMPAIGN FINANCE GUIDE

WEST VIRGINIA SECRETARY  
OF STATE'S OFFICE

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ELECTIONS DIVISION

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## Introduction

This *Candidate Campaign Finance Guide* was prepared by the Elections Division at the Secretary of State and summarizes the state election laws applicable to candidate committees. This guide should only be used as a starting point and not a complete compilation of rules and regulations for West Virginia elections. Other important sources of information include the West Virginia Constitution, West Virginia Code, and the West Virginia Code of State Rules.

### CITATIONS

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Throughout this guide there are a variety of cited sources. Here are a few examples of the types of citations in this guide and what they refer to.

Source: West Virginia Constitution (Article and Section)	Example: Const., Art. 4, § 1
The West Virginia Code (Chapter, Article and Section)	W. Va. Code § 3-1-1
Code of State Rules	CSR § 146-3-8

### FORMS

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Once available, forms referenced in this guide may be accessed at [www.GoVoteWV.com](http://www.GoVoteWV.com) by clicking the “Election Forms” button.

## Filing as a Pre-Candidate

You must file the [Pre-Candidacy Registration Form](#) with the appropriate filing officer before you start raising and spending money for a possible candidacy. Candidates for executive committee are not required to file pre-candidacy or campaign finance reports.

### When To File as a Pre-Candidate:

- **Offices with terms of four years or less:** You may file as a pre-candidate beginning the day after the General Election that precedes the term of office you are seeking.
- **Offices with terms of more than four years:** You may file no more than four years preceding the term of office you are seeking. (W. Va. Code § 3-8-5e)

## Designating a Treasurer

A candidate committee must have a treasurer before it accepts contributions and makes expenditures. Pre-candidates must designate a treasurer on the Pre-Candidate Registration form. The treasurer is responsible for all financial transactions of the candidate committee. Candidates, except those for judicial office, may act as their own campaign committee treasurer. Judicial candidates must follow additional campaign finance restrictions under the Code of Judicial Conduct found at [www.courtswv.gov](http://www.courtswv.gov). (W. Va. Code § 3-8-5e)

A treasurer may resign, but a new treasurer must be designated before the resignation is official. The old treasurer is responsible for the committee's finances until the new treasurer is appointed.

A change of treasurer or financial agent may be made at any time by filing the Notice of Change of Treasurer with the agency where the candidate filed pre-candidacy or candidacy.

## **Candidate and Treasurer Duties**

Every candidate or treasurer of every political 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, or liabilities incurred, by the candidate or political committee." (WV Code § 3-8-5(2))

The treasurer is responsible for all funds, reporting requirements, and financial transactions of the candidate committee. The treasurer may reimburse lawful campaign expenses for the committee by agents of the committee. The treasurer may also authorize agents to accept contributions for the committee; however, the contribution must be submitted to the treasurer to determine whether it meets the requirements of law.

### ***RECORD KEEPING***

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"Except for candidates or party committeeman and committeewoman, all candidates for nomination or election to state or local offices and all persons supporting, aiding, or opposing the nomination, election, or defeat of any such candidate shall keep, for a period of two years, records of receipts and expenditures which are made for political purposes." (W. Va. Code § 3-8-5(a)(1)) Furthermore, the Secretary of State or County Clerk may conduct an audit of any sworn financial statement, and this may require the committee to present receipts. (W. Va. Code § 3-8-7(b)(5)) If any violation of West Virginia Code Article 8 is found, the committee may be held accountable for transactions for up to five years. (W. Va. Code § 3-8-5d) For this reason, the Secretary of State's Office recommends that candidates keep receipts and records for five years. Candidates must retain records for the following transactions based on the periods above:

- Contributions of money;
- Contributions of items of value as an in-kind contribution;
- Loans received by the committee and the loan agreements;
- Amount of loans repaid by the committee;
- Expenditures;
- Bills that have yet to be paid, including payments for staff;
- Transactions related to fundraising events;
- Use of excess funds and receipts of excess funds;
- Any other financial transaction by the committee.

## **Declaring Candidacy**

To run as an official candidate on the ballot for the election, you must file your certificate of announcement and filing fee by the deadline set by law. Below are candidate filing deadlines for the 2024 Election cycle:

- **Candidates running as a recognized political party (REP, DEM, MTN, or LBN):** File your Certificate of Announcement and filing fee from **Monday, January 8, 2024, to midnight on Saturday, January 27, 2024.**

Postmark: Filings that are mailed must be postmarked by the U.S. Postal Service no later than midnight on January 27, 2024. If you use an express shipping service (UPS, FedEx, DHL, etc.) your filing must be received by midnight on January 27, 2024. Dates provided by these services are not equivalent to postmarks.

- **Candidates running as no party organization:** File your Certificate of Announcement, nominating certificates, and filing fee with the appropriate office no later than **August 1, 2024.** Filings received after August 1 will not be accepted.
- **Candidates Running as a write-In candidate's:**
  - **Primary Election** write-in candidate deadline for non-partisan races: **March 26, 2024.** Eligible citizens may file as an official write-in candidate in the Primary Election for the following non-partisan offices: Judicial races, Greater Huntington Parks and Recreation, Board of Education, and Conservation District Supervisor.
  - **General Election** write-in candidate deadline: **September 17, 2024.**
  - No filing fee is required for write-candidates.

The Certificate of Announcement cannot be accepted prior to January 8, 2024. If the form is filed or postmarked before January 8, 2024, it will be returned.

If you are filing with the Secretary of State, you may pay your filing fee by check, credit card, cash, or money order. If a check is used and returned for insufficient funds, your candidacy may not be certified. Checks should be made payable to the Secretary of State's Office. Many of the filing fees are based on the salary of the position you are seeking. If the salary of the position you seek changes, the filing fee will change accordingly.

#### **Where to File for Candidacy:**

- Secretary of State for any Federal office, Statewide office, State Senate, House of Delegates or Judicial office, excluding Magistrate, or if you are running for an office on the ballot in more than one county.
- County Clerk for any County Office, including Magistrate.
- Municipal Recorder for a candidate running for municipal office.

Filing the Certificate of Announcement in the proper location is of the highest 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.

For more information about Running for Office in 2024, including offices on the ballot, download our Running for Office Guide at [sos.wv.gov/elections](https://sos.wv.gov/elections).

## Filing Campaign Finance Reports

All candidates and pre-candidates with open campaign committees, except candidates for executive committee, must file detailed, itemized sworn financial statements during the reporting periods set by W. Va. Code § 3-8-5. Such statements are popularly referred to as campaign finance reports.

### Who must file campaign finance reports?

- Pre-candidates for future offices;
- All existing candidate committees;
- Candidate committees from previous election cycles with excess funds;
- Political action committees;
- Political party executive committees;
- Caucus campaign committees; and
- Inaugural committees.

### What must be reported?

- Monetary contributions (money);
- In-kind contributions (non-cash contributions of value);
- Loans received;
- Expenditures;
- Unpaid bills;
- Transactions due to a fund-raising event;
- All other income (returned checks or contributions, interest on bank accounts, etc.); and
- Uses of excess funds.

### Reporting Periods

- The reporting period during the election cycle to which the financial report applies must be indicated: 1<sup>st</sup> Quarter, 2<sup>nd</sup> Quarter, 3<sup>rd</sup> Quarter, 4<sup>th</sup> Quarter, Primary, or General.
- Each election cycle reporting period covers a certain time span during the election cycle for which candidates and committees must report financial transactions.
- These reports are to be filed in succession of one another.

### Additional Report Types

- **Primary Report:** Filed between the 15<sup>th</sup> day and the 11<sup>th</sup> day prior to the Primary Election, (if applicable).
- **General Report:** Filed between the 15<sup>th</sup> day and 11<sup>th</sup> day prior to the General Election.
- **Amended Report:** Filed to replace a previously submitted report to correct or update information. Both the amended report box and the reporting period that will be amended must be clearly marked.
- **Final Report:** Filed to close your account. The final report box must be marked. If the report is submitted during a required reporting period, the reporting period must also be marked. The committee's ending balance must be zero if filing a final report. A Statement of Dissolution must also be filed with the filing officer.
  - Paper filers: if the report is submitted during a required reporting period, the box for the reporting period must also be checked.

## 2024 Campaign Finance Reporting Calendar

The calendar below shows upcoming campaign finance reports, the period each report covers, and the period in which the candidate or treasurer must file each report.

<b>REPORT</b>	<b>TRANSACTION DATES</b>	<b>FILING DATES</b>
<b>2023 3rd Quarter Report</b>	July 1, 2023 – September 30, 2023	October 1, 2023 – October 10, 2023
<b>2023 4th Quarter Report</b>	October 1, 2023 – December 31, 2023	January 1, 2024 – January 8, 2024
<b>2024 1<sup>st</sup> Quarter Report</b>	January 1, 2024 – March 31, 2024	April 1, 2024 – April 8, 2024
<b>2024 Primary Report</b>	April 1, 2024 – April 28, 2024	April 29, 2024 – May 3, 2024
<b>2024 2<sup>nd</sup> Quarter Report</b>	April 29, 2024 – June 30, 2024	July 1, 2024 – July 8, 2024
<b>2024 3<sup>rd</sup> Quarter Report</b>	July 1, 2024 – September 30, 2024	October 1, 2024 – October 7, 2024
<b>2024 General Report</b>	October 1, 2024 – October 20, 2024	October 21, 2024 – October 25, 2024
<b>2024 4<sup>th</sup> Quarter Report</b>	October 21, 2024 – December 31, 2024	January 1, 2025 – January 7, 2025

Filing deadlines falling on Saturdays, Sundays, or legal holidays are to be extended to the following day that is not a Saturday, Sunday, or legal holiday. (W. Va. Code § 2-2-1(15)(e)).

## Penalties for Late and Unfiled Reports

- Failure to file a financial statement is a misdemeanor, punishable by up to a year in jail, a fine of \$500, or both, at the discretion of the court. This penalty also applies to “grossly incomplete or inaccurate” financial statements.
- Committees that fail to file their financial statements on time “shall be assessed a civil penalty by the Secretary of State of \$10 a day for each day after the due date the statement is delinquent, grossly incomplete, or grossly inaccurate.” If a committee files late or grossly inaccurate campaign finance reports, the committee will be contacted by a member of the Elections Division with instructions for proper resolution.
- The Secretary of State shall publish an online list of all persons who file financial statements after the deadline.

- Candidates who have not filed the required campaign finance reports for the Primary Election will not be placed on the General ballot.
- Candidates that have not filed the required financial reports for the General Election cannot assume the duties of their office until all required reports are properly filed.
- West Virginia law allows the Secretary of State, county clerk, or the municipal recorder to review or audit financial reports to ensure compliance with campaign finance laws. They 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. (W. Va. Code § 3-8-7)

## Candidate Committee Election Cycles

There are two contribution periods for a candidate committee within the election year. A contribution to a candidate committee is considered in connection with the Primary election if it is received on or before Primary Election Day. A contribution given after the Primary election period can be considered in connection with the Primary Election if, with the consent of the contributor, it is clearly marked on the financial statement as a contribution for the previous contribution period. In this case, the funds may only be used to repay unpaid bills, loans, or debts incurred during that contribution period.

A contribution is considered in connection with the General election if it is received after the day of the Primary Election and until the committee has paid all its financial obligations after the General election. A candidate may accept a General Election contribution prior to the Primary Election if the contribution is clearly identified to be for the General by the contributor. Such contribution cannot be expended until after being nominated at the Primary Election.

## How to File Campaign Finance Reports

### ***STATE CANDIDATES AND COMMITTEES***

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Financial Reports for the following committees must be filed electronically through the **Campaign Finance Reporting System (CFRS)**:

- Governor
- Secretary of State
- Attorney General
- State Auditor
- State Treasurer
- Commissioner of Agriculture
- Supreme Court Judge of Appeals
- Judge of the Intermediate Court of Appeals
- Circuit Court Judge
- Family Court Judge
- Greater Huntington Parks and Recreation
- Political Action Committees (PACs)
- State Political Party/Caucus Campaign Committees
- Independent Expenditure/Electioneering Communication Committees

If by no fault of their own a candidate or committee is unable to file the campaign financial statement, they shall file said statement in person, via facsimile, or other electronic means of transmission.

Committees required to file electronically may apply to the State Election Commission for an exemption of electronic filing in the case of hardship. (W. Va. Code § 3-8-5b)

### ***COUNTY AND MUNICIPAL CANDIDATES***

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Candidates for county and municipal elections must file their reports by paper using the **Short or Long Campaign Financial Statement**.

The **Short Form Campaign Financial Statement** is designed to accommodate committees that do not have transactions beyond simple contributions and expenditures; it does not cover any other reporting requirements, such as loans and in-kind contributions, which are required by WV Code 3-8-5a.

The **Long Form Campaign Financial Statement** includes sections with all types of financial activities that must be reported under WV Code § 3-8-5a. If a committee answers, "Yes," to any of the following questions, a **Long Form** must be used:

- Has your committee received any loans?
- Has your committee held any fundraisers?
- Has your committee received any miscellaneous receipts, such as refunds or checking account interest?
- Does your committee have any unpaid bills or loans?
- Have you or anyone else made an in-kind contribution to your campaign?
- Has your committee given or received a transfer of excess campaign funds?
- Has your PAC made any Independent Expenditures within this reporting period?

Both the short and long finance forms require both the candidate or committee name and the treasurer's contact information. The candidate, agent, or treasurer must also sign the oath or affirmation at the end of the form.

### **Late, Incomplete, or Inaccurate Statements**

Incomplete or inaccurate reports may be returned to the committee. If your report is returned to you, you may be at risk of missing the deadline.

### ***COMMON MISTAKES***

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- Committee name and election year are not accurate.
- Wrong reporting period box marked.
- Contributions and 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 appropriate person.



## ***AMENDING REPORTS***

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If a mistake is discovered, a report already submitted by the committee may be altered to reflect the accurate financial activity. An amended report may be submitted at any time and with no penalty. If an amended report is submitted, it must include the same information as the previously submitted report with the errors corrected. All financial transactions for the reporting period must be included in the amended report, not just the portion that has been changed by the amendment.

## **Contributions**

“Contribution means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance, 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.” (W. Va. Code § 3-8-1a(9)). Remember to get all the information required for your campaign finance report from your contributors at the time they make their donation.

## ***CANDIDATE CONTRIBUTION LIMITS***

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A candidate committee may accept up to **\$2,800 per Primary Election** and **\$2,800 per General Election**. All items of value (cash and in-kind contributions) given to a committee are counted toward this limitation of \$2,800. Contributions for the General Election may be accepted during the Primary Election Cycle if the contributor clearly indicates the contribution is to be accepted for the General Election and that the funds may not be spent until after the nomination of the candidate. If the candidate does not win nomination in the Primary Election, the committee must return the General Election contribution to the donor. (W. Va. Code § 3-8-5c.).

There is no limit on the amount a candidate may contribute to his or her own campaign committee. If the candidate seeks reimbursement, he or she must first file a loan agreement with the appropriate filing officer. A candidate committee may also receive loans from financial institutions and from the candidate’s spouse. Candidate reimbursement for appropriate expenses related to the campaign from the campaign is allowed; However, “personal use” of campaign funds is prohibited.

A Candidate committee may accept up to **\$2,800 per Primary Election** and **\$2,800 per General Election** from a candidate committee from a past election that has excess funds.

## ***PROHIBITED CONTRIBUTIONS TO CANDIDATE COMMITTEES***

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It is unlawful for the committee to accept any contributed funds which exceed the contribution limit. Excess contributions must be returned to the contributor.

Candidate committees may not receive money from an Independent Expenditure PAC.

Candidate committees may not solicit, accept, or receive money from a foreign national (W. Va. Code § 3-8-5g(b)).

A candidate committee may not accept contributions from an active candidate committee that is campaigning for an upcoming election.

## ***SOLICITATION OF FUNDS OR SUPPORT FROM STATE, COUNTY OR MUNICIPAL EMPLOYEES***

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Soliciting funds from a state employee or an employee of a political subdivision of the state is not allowed. However, if a mass solicitation is done, it should include a disclaimer such as “Please disregard if you are a public employee” to prevent you from violating this provision. (W. Va. C.S.R. § 146-3-10.7)

Asking for money, support, or votes is not permitted, nor is the delivery of written communications to the workplace of state, county, or municipal employees. The disclaimer mentioned above does not legally excuse the act of knowingly delivering communications to a workplace or government email account. (W. Va. Code § 3-8-12(c))

## ***PERSONS ENTERING INTO STATE CONTRACT***

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*...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 not, 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. (WV Code § 3-8-12(d)).*

## ***POLITICAL ACTION COMMITTEE CONTRIBUTION LIMITS***

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The contribution amounts that an individual may give to a political action committee are limited to \$5,000, allowing **\$5,000 per Primary** and **\$5,000 per General election**.

## ***POLITICAL PARTY COMMITTEE CONTRIBUTION LIMITS***

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A person, except candidate committees and caucus campaign committees, may make contributions up to **\$10,000** in any calendar year to a state party executive committee, or any subsidiary, branch, or local unit thereof, or a caucus campaign committee.

A state candidate or caucus campaign committees may make contributions up to **\$75,000** to their affiliated state party executive committees, or any subsidiary, branch, or local unit thereof or caucus campaign committee. These contributions may not be earmarked or designated to be used in support or opposition of a particular candidate, per W. Va. Code § 3-8-5c(b).

## ***TYPES OF CONTRIBUTIONS***

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Active political committees are restricted to the types of contributions they may give and receive. The capacity to give or receive a contribution is dependent on the type of committee established. Below you will find a list of possible contribution types and if the contributions are acceptable to the committee.

### ***Reporting Contributions of \$250 or Less***

For each contribution of \$250 or less, the committee must include (1) the full name of the individual, association, or committee donating; (2) the amount of the contribution; and (3) the date the contribution was made.

### ***Reporting Contributions of Over \$250***

Once contributions from an individual, association, or committee reach an accumulated total of more than \$250 during an election cycle, the committee must collect and record the following information:

- The full name of the individual, association, or committee donating;
- Residential and mailing addresses;
- Amount of contribution; and
- The date the contribution was made.

#### Individual contributors only:

- Occupation (e.g., attorney, doctor, homemaker, retired);
- Employer (this is the contributor's primary employer; if self-employed it should be noted; if homemaker or retired, "not applicable" may be used)

#### Political committees only:

- Political affiliation of the committee (or if the donation comes from a business-affiliated PAC, the business that the PAC is sponsored by)

### ***In-Kind Contributions***

An **In-kind** contribution is a donation of goods or services used toward the campaign. The amount of an in-kind contribution should be reported at the fair market value of the goods received or services rendered and are subject to the contribution limits of the individual giving the contribution. The committee should include the full name of the contributor, date of the transaction, description of the contribution, and the value. If the value of the contribution is over \$250, additional contributor information is required: address, occupation and employer if it is an individual, and affiliation if it is a PAC.

### ***Cash Contributions***

The maximum cash contribution a committee may receive from a contributor is \$50. The name of the contributor and date of contribution must be recorded. All contributions over \$50 must be by means other than cash. Cash contributions over the amount of \$50 must be returned to the contributor.

### ***Other Income***

Income that does not fit the definition of a contribution, such as interest on a bank account, refunds, or the sale of equipment. Information required for the other income category includes the date of the receipt, source of the income, the type of receipt (brief description), and the amount of the transaction.

### ***Raffles***

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

### ***Anonymous Contributions***

“Passing the hat” at a meet-the-candidate dinner or other type of fundraiser is used to bring in contributions anonymously. All contributions must be identified with the full name of the person or group who gave the donation. If the identification of the donor of a contribution cannot be determined, the donation must be turned over to the State of West Virginia General Fund. Send an amount equal to the anonymous contribution to the West Virginia Secretary of State’s Office. (WV Code § 3-8-5a(j))

### ***Loans***

A candidate, spouse of a candidate or a lending institution may give a loan to the candidate’s committee. There is no limit as to how much a candidate can loan to their campaign. When a candidate committee takes a loan, even if it is from the candidate, a loan agreement must be included with the next report due. The loan agreement must state the date, amount, interest amount (if any), description of collateral, and full names and addresses of all persons involved in the loan.

A loan by the candidate to his or her committee may be forgiven. Loans from a spouse or lending institution may not be forgiven. If a loan is to be forgiven by a candidate to the committee, the loan should then be considered as a contribution from the candidate to the candidate’s committee. To report the forgiving of a loan, the amount of the loan will be reported as a contribution to the committee from the candidate and the loan will be paid for, indicating that the committee no longer carries the liability.

Paper filers: If a loan is taken for a candidate’s committee, the information required on the loans page of the Long Form Campaign Financial Statement must be completed, and a copy of the loan agreement must be included with the same financial statement. The following information must be reported on outstanding loans:

- The name and address of the bank, candidate, or candidate’s spouse making the loan;
- The balance of the loan carried from the previous report;
- The amount of all new loans received during this period;
- Repayments made during the reporting period;
- The outstanding balance at the end of the reporting period for each loan listed.

### ***Reporting For Advertising Agencies***

When lump sum payments are made to an advertising firm or campaign management firm that will disburse the money on behalf of a committee, the advertising agency must also file a campaign finance report under the same expenditure guidelines as your own committee. All disbursements of funds must be disclosed and tracked to its final recipient and are subject to West Virginia campaign finance law outlined in W. Va. C.S.R. § 146-3.

### ***Anonymous Contributions***

Anonymous contributions are illegal to accept. Activities such as passing the hat to bring in contributions are not permissible. All contributions must be identified with the full name of the person or group of people that made the contribution. If the identification of the donor of a contribution cannot be determined, the contribution must be given to the General Revenue Fund of the State. The only exception is for executive committees that are holding an event; please review this exemption in W. Va.

Code § 3-8-5a. If an anonymous contribution is in the possession of a committee, you must send an amount equal to the anonymous contribution to the following address:

**WV Secretary of State's Office  
Elections Division  
State Capitol Building 1, Suite 157-K  
Charleston, WV 25305**

## **Expenditures**

Itemized, detailed accounts of all expenditures, disbursements made, and liabilities incurred must be reported.

Money spent out-of-pocket on an election must be reported as a contribution and 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.

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 on which the check is written or the date when the transfer of funds takes place.

### ***SPENDING MONEY***

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No money may be spent from committee funds unless it is allowed by W. Va. Code § 3-8-9 or W. Va. C.S.R. § 146-3-6. If the expense is not on the list, then it is not allowed. This is to ensure that the funds are spent on electioneering purposes only.

### ***REQUIRED INFORMATION FOR ALL EXPENDITURES:***

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- The name of the person or business to which the expenditure was given;
- The address 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.

### ***ALLOWABLE EXPENDITURES***

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**A candidate or political committee may make expenditures only for the following purposes:**

- Office expenses, overhead costs for headquarters, and for costs related to postage.
- Candidates who do not have headquarters may purchase or rent filing cabinets, other office equipment and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment.
- Paid legitimate advertisements for the promotion of the candidate on the ballot.

- Costs related to public meetings and political conventions such as food, drink, and entertainment.
- Travel and hotel for campaign-related purposes.
- Costs incurred with petitions for nomination of candidates.
- Lists of registered voters, investigating an individual's right to vote and conducting proceedings to prevent unlawful registration or voting.
- Taking voters to the polls.
- Securing publication in newspapers, radio, and television broadcasting of information that is relevant to an election.
- Conducting a public opinion poll or polls.
- Legitimate advertising agency services.
- The purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party.
- The purchase of nominal, noncash expressions of appreciation following the close of the polls of an election or within thirty days thereafter.
- The payment of dues or subscriptions to any national, state, local, or legislative caucus committee of any political party.
- To employ persons to perform functions enumerated in WV Code § 3-8-9, either on a full-time, part-time, or temporary basis.
- Transfers to any national, state, or local committee of any political party when that committee is acting as a vendor.
- Legal and accounting services.
- Food and drink for campaign-related purposes.
- Required filing fees associated with the campaign.
- Contributions to a county party executive committee, state party executive committee, or caucus campaign committee.
- Payment for any required filing fees.
- For expenses related to caregiving services.

## ***PROHIBITED EXPENDITURES BY CANDIDATE COMMITTEES***

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The payment of any fees or fines assessed against the candidate or the candidate's committee is prohibited. When campaign finance reports are filed late, it is the responsibility of the treasurer to pay the fee with their personal funds.

Active candidate committees may not give money to other candidates, political action committees, \* or federal committees.

Before the election, active candidate committees cannot give donations to other candidate committees. (W. Va. Code § 3-8-9)

## **Fund-Raising Events**

As defined by the Election Code, 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.* (W. Va. Code § 3-8-1a(20).)

A committee may pay for food, drink and entertainment costs that are incurred in holding a fund-raising event. The committee must be careful in determining the methodology of the fund-raising event to be certain that personal gifts are not given to attendees from committee funds. Fund-raising transactions are reported separately from other transactions. The total amount raised, after expenses, is reported as the net receipt of funds for each event. (W. Va. Code § 3-8-5a.)

Committees may engage in joint fundraising agreements with other political committees, including those committees registered with the FEC, when organized in advance. W. Va. Code § 3-8-9c requires joint fundraising agreements that identify the political committees involved and define terms of fund allocation. All joint fundraising agreements must be in writing and filed with the Secretary of State.

**Fund-Raising Event:** All contributions received at a fundraising event must only be reported on the fund-raising events page of the campaign financial statement. Committees must report contributor information under the same requirements for reporting contributions as outlined above.

**Joint Fund-Raising:** Committees may host joint fund-raising events pursuant to a written agreement stating the terms of allocation of funds and the committees involved.

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

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

**Net Receipts:** The total amount of funds accumulated in relation to the fund-raising minus all committee expenses.

**In-Kind Contribution:** A donation of goods or services used toward the fund-raising event that can be assigned a monetary value. In-kind contributions must be itemized in the in-kind contributions section of the campaign financial statement.

## Unpaid Bills

All liabilities incurred by a committee must be reported. This includes all bills or promises of payment that have been left unpaid at the end of the reporting period. A listing of unpaid bills will ensure that the committee never has a negative ending cash balance. The transaction date of an unpaid bill will be the date that the vendor provides a bill for payment.

After a candidate withdraws from an election, loses in a Primary, loses in a General election or wins the election, the funds in possession of the committee that amount to more than the liabilities incurred for the election are considered **Excess Campaign Funds**. No person may receive or utilize excess campaign assets for personal economic gain. (WV CSR§ 146-3-7)

## Political Advertisement Disclaimer

All political advertisements and materials must have a disclaimer on them identifying who the advertisement was paid for by or on behalf of. When putting a disclaimer on the advertisement you must state the name of the person or committee authorizing its publication.

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

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.

### 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 Contribution Limitations

	<u>PRIMARY</u>	<u>GENERAL</u>
Governor	\$1,000,000	\$1,000,000
Constitutional Officer	\$ 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

Contributions which do not exceed the limits designated for the Primary election may not be added to the limits for the General election.

### 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.

## How to Terminate a Candidate Committee

A committee may file a **Final Report** and termination any time, provided that the committee has no outstanding loans, no unpaid bills, and an ending balance of zero.

A Final Report must include all activity up to the date of the report being filed.

Once a Final Report is filed the committee may not raise or spend any funds. A new candidate committee must be created for every election cycle in which a candidate is running for office.

The committee's reporting obligation ends only when the final report and termination has been accepted.

## Independent Expenditures

Any paid advertisement that is done without the "consultation or coordination" of a candidate or a candidate's committee is considered an independent expenditure. A disclaimer must be present on all independent expenditures stating, "Paid for by (committee or individual's name)" and that the advertisement "is not authorized by any candidate or candidate's committee."

There is no limit on the amount of funds that can be spent on Independent Expenditures. However, there is an additional reporting requirement for these expenditures. Any individual or organization making independent expenditures must follow the reporting dates set by West Virginia Code § 3-8-5.

Any individual, PAC, corporation, or executive committee may make an "independent expenditure" in attempt to influence the election or defeat of a candidate for office. This expenditure must be made without the consultation or coordination of the candidate or candidate's committee to be considered independent. If the expenditure is made in consultation or coordination with the candidate or candidate's committee, the expenditure will be considered an in-kind contribution to the candidate's committee and will be limited to the \$2,800 contribution limits.

In addition to reports due during regular reporting periods, any individual or organization must file additional reports when making a:

- \$1,000 single time/aggregate expenditure made within a calendar year,
- \$500 or more expenditure for any county office or single county judicial candidate within 15 days and before 12 hours of an election,
- \$5,000 or more expenditure for any statewide, legislative, or multi-county judicial candidate within 15 days and before 12 hours of an election, or
- \$10,000 or more anytime expenditure.

All independent expenditures must have a “clear and conspicuous public notice” identifying the person who paid for the expenditure and that it had not been authorized by any candidate or candidate’s committee.

## **Coordinated Expenditures**

Any communication that results from a political expenditure and is made in coordination with a state committee of a political party and caucus campaign committee must contain a disclaimer that clearly identifies that the expenditure is coordinated with the candidate or candidate’s committee with whom it was coordinated.

## **Electioneering Communications**

Any communication defined as electioneering communications must have a disclaimer clearly stating, “Paid for by (committee name)”. If the Electioneering Communication is an Independent Expenditure, the communication must also include that “it is not authorized by any candidate or candidate’s committee.” If the communication is made for television, it must be spoken clearly and appear on the screen at the end of the advertisement.

All independent expenditures and electioneering communications reports may be viewed on the Secretary of State’s campaign finance page at [cfrs.wvsos.gov](https://cfrs.wvsos.gov).

# Resources

## GOVERNMENT AGENCIES

<p><b>Elections Division</b>  WV Secretary of State  State Capitol Building 157-K  Charleston, WV 25305  (304) 558-6000  (866) 767-8683  <a href="mailto:elections@wvsos.gov">elections@wvsos.gov</a>  <a href="http://www.wvsos.gov">www.wvsos.gov</a></p>	<p>Information on state election laws/regulations, candidate filing, campaign finance reporting requirements, forms, official election returns for statewide elections, and voter registration information.</p>
<p><b>West Virginia Ethics Commission</b>  210 Brooks Street, Suite 300  Charleston, WV 25301  (304) 558-0664  (866) 558-0664  <a href="mailto:ethics@wv.gov">ethics@wv.gov</a>  <a href="http://www.ethics.wv.gov">www.ethics.wv.gov</a></p>	<p>Forms and information on filing personal financial disclosures and questions regarding conflicts of interest between outside employment and public office.</p>
<p><b>Federal Election Commission (FEC)</b>  1050 First Street, NE  Washington, DC 20463  (800) 424-9530, menu option 6  <a href="mailto:info@fec.gov">info@fec.gov</a>  <a href="http://www.fec.gov">www.fec.gov</a></p>	<p>Administers and enforces federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, Senate, Presidency, and the Vice Presidency.</p>
<p><b>State Election Commission (SEC)</b>  C/o WV Secretary of State  State Capitol Building 157-K  Charleston, WV 25305  <a href="mailto:elections@wvsos.gov">elections@wvsos.gov</a>  <a href="http://www.wvsos.gov">www.wvsos.gov</a></p>	<p>Voter system certification, filling vacancy on General election ballot when candidate withdraws for extenuating circumstances, and campaign finance issues.</p>
<p><b>U.S. Election Assistance Commission (EAC)</b>  633 3rd Street NW, Suite 200  Washington, DC 20001  (866) 747-1471  <a href="http://www.eac.gov">www.eac.gov</a></p>	<p>Serves as a national clearinghouse for information and reviews procedures for federal elections.</p>
<p><b>WV State Law Library</b>  Building 1, Room E-404  1900 Kanawha Blvd  Charleston, WV 25305  (304) 558-2607  <a href="http://www.courtswv.gov">www.courtswv.gov</a></p>	<p>Provides research and reference services to the public, including how to access resources related to a particular legal issue. Librarians are not allowed to answer legal questions.</p>

**RECOGNIZED POLITICAL PARTIES**

<p><b>West Virginia Democratic Party</b>  P.O. Box 11926  Charleston, WV 25339  (304) 342-8121  <a href="mailto:wvparty@wvdems.org">wvparty@wvdems.org</a>  <a href="http://www.wvdemocrats.com">www.wvdemocrats.com</a></p>	<p>Information on Democratic Party political activities, functions of executive committees, process for delegates to national contention, and party rules.</p>
<p><b>West Virginia Libertarian Party</b>  P.O. Box 2506  Parkersburg, WV 26102  (304) 228-5918  <a href="http://www.lpww.org">www.lpww.org</a></p>	<p>Information on Libertarian Party political activities, functions of executive committees, process for delegates to national contention, and party rules.</p>
<p>The <b>Mountain Party</b> is a recognized political party in West Virginia. At this time, Party leadership is unknown due to an intra-party dispute, and there are two factions claiming leadership as follows (in alphabetical order of the chairs' last names):</p> <p>Disputed Leadership: Denise Binion  Address: P.O. Box 805  New Martinsville, WV 26155  Phone: (304) 669-0247  Campaign Finance Committee Name: Mountain Party SEC PAC Website and Contact:  <a href="http://www.mountainpartywv.net">www.mountainpartywv.net</a>  <a href="mailto:contact@mountainpartywv.net">contact@mountainpartywv.net</a></p> <p>Disputed Leadership: David Tabb  Address: 107 Tabb Lane  Harpers Ferry, WV 25425  Phone: (304) 676-5976  Campaign Finance Committee Name: Mountain Party</p>	<p>Information on Mountain Party political activities, functions of executive committees, process for delegates to national contention, and party rules.</p>
<p><b>West Virginia Republican Party</b>  P.O. Box 2711  Charleston, WV 25330  (304) 768-0493  <a href="mailto:wvgop@wvgop.org">wvgop@wvgop.org</a>  <a href="http://www.wvgop.org">www.wvgop.org</a></p>	<p>Information on Republican Party political activities, functions of executive committees, process for delegates to national contention, and party rules.</p>

## ***DIVISION OF HIGHWAYS RULES FOR THE PLACEMENT OF POLITICAL SIGNS***

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Signs or posters cannot be placed on or above a Division of Highways right of way, which normally stretches 20 feet from the center line of a public road. Distances do vary, however, so please contact the West Virginia Division of Highways if you are uncertain.

Signs or posters near rights of way must comply with the outdoor advertising statute in Chapter 17, Article 19, Section 1 of the West Virginia Code, and must also conform to any municipal ordinances regulating outdoor advertising.

Signs or posters cannot be placed on Division of Highways traffic control signs nor block such signs and cannot obscure the view of any connecting road or intersection.

Signs or posters cannot be placed on elements in nature, such as rocks or trees.

Avoid placing materials on fence posts, utility poles, or other stationary objects on private property without consent of the property owners.

Political overhead banners cannot be erected over any county, state, or federal highway.

DOH Communications Main Line: 304-558-0103  
[www.transportation.wv.gov](http://www.transportation.wv.gov)

# Election Cybersecurity Incident Response Plans for Campaigns

Protection against a cyber-attack should be thought out well in advance of the necessity for cybersecurity protections. The West Virginia Secretary of State's Office has partnered with Harvard's Belfer Center to create guidance for cyber security training. One set of guidance is specifically tailored for campaigns. Please review the Cybersecurity Campaign Playbook at the Belfer Center's website at [www.belfercenter.org/publication/cybersecurity-campaign-playbook](http://www.belfercenter.org/publication/cybersecurity-campaign-playbook).

It's just as important to plan for responding to an attack as it is to develop a security strategy to prevent one. How you respond often has more to do with the ultimate outcome of an incident than what was compromised.

## Be prepared for an incident to occur.

1. Establish cybersecurity rules and provide cybersecurity training for your campaign staff;
2. Make available a cybersecurity incident response in case of an incident; and
3. Plan how to respond ahead of an incident.

## If a breach occurs...

1. Unplug the physical device from power and the internet – “kill it”;
2. Change the password using a different device with different web services;
3. Notify the platform of the possible compromise; and
4. Contact the appropriate officials. At a minimum, contact the WVSOS and they will advise on contacting the others.

## Candidate Cyber Incident Communication Contacts

1. Campaign IT specialist for an internal system review
2. Your state political party headquarters:
  - a. Democratic (304) 342-8121
  - b. Libertarian (304) 228-5918
  - c. Mountain (304) 669-0247 (Disputed Leadership: Denise Binion) or (304) 676-5976 (Disputed Leadership: David Tabb)
  - d. Republican (304) 768-0493
3. WV State Police
  - a. If ransomware is involved call the state authorities at (304) 746-2100
4. WV Secretary of State
  - a. Dave Tackett, CIO, DTackett@wvsos.gov, (304) 558-6000
5. Cybersecurity and Infrastructure Security Agency
  - a. Jody Ogle, Supervisory, Cybersecurity Advisor (PA,WV) – Acting, Cybersecurity Advisor, State Coordinator (Charleston, WV), [jody.ogle@cisa.dhs.gov](mailto:jody.ogle@cisa.dhs.gov), (202) 436-5273
6. Your legal and communications teams or key staff who oversee your campaign operations.