



2022 RUNNING FOR OFFICE GUIDE

WEST VIRGINIA SECRETARY
OF STATE'S OFFICE

ELECTIONS DIVISION

December 23, 2021

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THE DECISION TO BE A CANDIDATE

Public office is a serious commitment of service to the citizens of West Virginia. Before you decide to file for office, think carefully about your personal situation and seek an office that fits your other responsibilities.

LEARN HOW ELECTIONS WORK IN WEST VIRGINIA

Political Parties

There are four recognized political parties that have automatic ballot access in West Virginia:

- Democratic Party
- Libertarian Party
- Mountain Party
- Republican Party

These parties will nominate candidates for offices on the General Election ballot in the Primary Election, by convention, or by other means of selection as determined by party rules. (W. Va. Code § 3-1-8.) If you are a member of one of these parties and need more information, please contact your Party Chairperson for information on their nomination process.

Individuals may also run as "No Party" or as "Write-in" candidates. You may find more information about running as a "No Party" or as a "Write-in" candidate in Section I of this guide.

Primary Election: Primary Elections are elections held for the purpose of nominating candidates by political parties for offices on the General Election ballot.

Nonpartisan elections: state law requires certain elected positions to be "nonpartisan," for which candidates run as individuals and not affiliated with any political party. Nonpartisan elections are most often held in conjunction with Primary Elections.

The following nonpartisan offices will be elected in the Primary Election in 2022:

- Board of Education
- Conservation District Supervisor
- Greater Huntington Park and Recreation District
- Political Party Executive Committee (State, County, and District)
- Any vacancy in a non-partisan office that requires a special election for the election of a candidate.

Candidates for the following offices will be nominated in the Primary Election in 2022:

- U.S. House of Representatives
- State Senator
- House of Delegates
- County Clerk
- County Commission/Council
- Circuit Clerk
- Any vacancy that requires the nomination of a candidate for special election to be held in the General Election

General Election: An election to choose from individuals that have been officially certified as candidates on the ballot or certified as write-in candidates.

ARE YOU ELIGIBLE TO RUN?

It is a fundamental right to run for office for those that are eligible. Importantly, it is the candidate's responsibility to determine whether they are eligible to become a candidate or hold the office. Please review the requirements for the office to make sure you meet the prerequisites set out for minimum age, residency, and any other requirements specific for that office.

"Residence" has been defined by the West Virginia Supreme Court as the place where you physically live and intend to remain indefinitely. A business location where you do not live cannot be established as a residence. Property which you rent to someone else is not your residence. A post office box does not establish residence. Some offices require you to be a resident for a length of time before election, by the time of filing for office, or by the time of taking office. Below are extracts from court cases with more details about the definition of "residence."

- "In West Virginia, the term 'residence' is synonymous with the term 'domicile' for election law purposes." Syl. pt. 7, *White v. Manchin*, 173 W.Va. 526 (1984). "The important facts in determining the domicile of a person who has more than one residence are the physical character of each, the time spent and the things done in each place, and whether or not there is an intention to return to the original domicile." Syl. pt. 4, *Shaw v. Shaw*, 155 W. Va. 712, 712-13, 187 S.E.2d 124, 125 (1972). "A man may live in several different places but he can have only one domicile. Domicile is a place a person intends to retain as a permanent residence and go back to ultimately after moving away." Syl. Pt. 2, *Shaw v. Shaw*, 155 W. Va. 712, 712, 187 S.E.2d 124, 125 (1972).

- “Domicile is a combination of residence (or presence) and an intention of remaining. If domicile has once existed, mere temporary absence will not destroy it, however long continued.” Syl. Pt. 2, Lotz v. Atamaniuk, 172 W.Va. 116, 304 S.E.2d 20 (1983).

Also, make sure you are not prohibited from running by reviewing the requirements set by the United States Constitution, West Virginia Constitution, West Virginia State Election laws, and Ethics Regulations. In very limited circumstances, the Secretary of State and county and municipal officials determine disputes regarding candidate’s eligibility. Instead, these legal disputes are mostly resolved in court.

CAN YOU RUN FOR OFFICE AND CONTINUE YOUR PRESENT JOB?

Many factors can affect your ability to run for office, some of which are outlined below:

- Board of education members and judicial officers must resign upon filing for any partisan office, and members of other boards and commissions may also be restricted from political activity.
- The **Hatch Act** covers the political activity of federal employees and some state and local employees in programs financed by federal loans or grants. The Hatch Act was amended in 2012. The most current specifics of the Hatch Act can be reviewed on this website: osc.gov.
- The **West Virginia Division of Personnel** covers the political activity of state classified employees. For direction regarding permitted and prohibited political activities, visit personnel.wv.gov/sections/emprel or call the Division of Personnel at (304) 558-3950.

If you think a conflict might exist for you, you should consult with your human resources or personnel director of your existing employer.

SECTION I: BECOMING A CANDIDATE

FILING AS A PRE-CANDIDATE (W. Va. Code § 3-8-5e)

Filing for pre-candidacy is not declaring your candidacy for that office; rather, it gives you the ability to raise money in support of your candidacy prior to filing the official Certificate of Announcement.

You must file a Pre-Candidacy Registration Form before you start raising and spending money for a possible candidacy. You must also declare a treasurer who will be responsible for your committee's financial transactions at the time you file. It is the responsibility of the treasurer to receive, keep, and disburse all sums of money. A candidate may act as the treasurer of the committee, but it is important to note that judicial candidates are prohibited from acting as treasurer.

WHEN TO FILE AS A PRE-CANDIDATE

Offices with terms 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 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)

REPORTING REQUIREMENTS OF A PRE-CANDIDATE

Pre-candidates must report every sum of money, item or service of value received, all expenditures made, and liabilities incurred. The pre-candidate is required to file quarterly reports in accordance with the reporting schedule for campaign finances. The report must identify all contributions and expenditures occurring after the previous was report filed, if applicable. Since all funds for the committee are the responsibility of the treasurer, it is highly recommended that you choose a treasurer for your committee early in the campaign.

CREATING A COMMITTEE NAME

The name of your committee can be anything that is relevant to your candidacy.

Some common committee names include:

Committee to Elect _____
_____for Delegate 2022
Friends of _____

Your committee's name must be printed on campaign materials and advertisements, indicating that it was paid for by the committee.

COMMITTEE BANK ACCOUNT

This office strongly recommends that your committee's bank account be separate and distinct from your personal bank account. It is against the law to use campaign money for personal benefit. Mixing personal and campaign funds may lead to criminal charges. (W. Va. Code § 3-8-9)

DECLARING YOUR CANDIDACY

You must use the Certificate of Announcement to declare your candidacy. All required information on the form must be provided. The form must be signed and notarized. Any missing information or signatures may cause the form to be rejected.

At the time of filing your Certificate of Announcement, you must also pay the filing fee or submit equivalent documentation to meet the fee requirements. 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.

For the 2022 election cycle, candidates must file a Certificate of Announcement during the following period: **Monday, January 10, 2022 to midnight on Saturday, January 29, 2022.**

The Certificate of Announcement cannot be accepted prior to January 10, 2022. If the form is received or postmarked before January 10, 2022, it will be returned. Filings that are mailed must be postmarked by the U.S. Postal Service before midnight on January 29. If you use an express shipping service (UPS, FedEx, DHL, etc.) your filing must be **received** by midnight on January 29 in the correct filing office. The dates provided by these services are not equivalent to postmarks. Check with the appropriate filing office for hours of operation on the last day of filing.

WHERE TO FILE

Secretary of State: candidates for Federal office, Statewide office, State Senate, House of Delegates, judicial office (excluding Magistrate), and those running for an office spanning more than one county.

County Clerk: candidates for an office which is entirely within one county that are not listed as filing with the Secretary of State above, including Magistrate.

Municipal Recorder: candidates for a municipal office.

If you are filing with the Secretary of State, you may pay by check, credit card, cash, or money order. If payment is by check and it is returned for insufficient funds, you will not be certified as a candidate until the filing is resubmitted with sufficient payment. Checks should be made payable to the Secretary of State's Office.

Please contact your county clerk for specific fees for county offices and the type of payment they can accept.

*** Filing the Certificate of Announcement with the correct office is crucial. If the document is not received in the correct filing office or mailed by the deadline you will not be certified as a candidate. **Late filings cannot be accepted.** ***

ALLOWABLE NICKNAMES ON THE BALLOT (W. Va. C.S.R. § 153-14-et. seq.)

A nickname may be used on the ballot by using quotation marks, parenthesis, or in lieu of the candidate's first name. A candidate may not use a title or position such as Dr., Rev., Sen., or Sheriff, or a common meaning of status, such as Sarge, Coach, or Doc. A nickname shall also be limited to one word and the length of the name on the ballot cannot be more than 25 characters.

BALLOT POSITIONING (W. Va. Code § § 3-5-13a and 3-6-2)

Candidates on the General Election ballot will be placed in order of their party's performance in the previous Presidential Election. Ballot positions shall be randomly selected for non-partisan elections or within a race that includes partial randomization of those elections that include more than one partisan nomination for any office or division. The drawing for the Primary Election will be held at 9:00 a.m. on February 22, 2022 (fourth Tuesday following the close of candidate filing) and for the General Election, at 9:00 a.m. on August 30, 2022 (seventieth day preceding the election).

LAST DAY TO WITHDRAW (W. Va. Code § 3-5-11)

The last day to withdraw your name from the ballot and decline to run as a candidate for the office is February 15, 2022 (third Tuesday following close of candidate filing). You must file the Certificate of Withdrawal in the same filing office where you filed the Certificate of Announcement. This filing must be received in the correct filing office by the deadline. A postmark date does not apply.

ETHICS COMMISSION PERSONAL FINANCIAL DISCLOSURE (W. Va. Code § 6B-2-6 and 6B-2-7)

Within ten days of filing the Certificate of Announcement, state candidates (not federal) must file a Candidate Financial Disclosure Statement with the West Virginia Ethics Commission. The Ethics Financial Disclosure Statement is required in addition to campaign finance filings. If this statement is not returned to the Ethics Commission, the candidate's name may not be placed on the ballot, or the candidate may not be allowed to take the oath of office. You may file or download the Candidate Financial Disclosure Statement at www.ethics.wv.gov. Political party executive committee candidates are not required to file this form.

All questions on the Candidate Financial Disclosure Statement must be answered prior to submitting the form to the Ethics Commission. These financial statements are a matter of public record and can be inspected at the Ethics Commission Office.

If there are any questions on how to complete this form, please call the Ethics Commission at (304) 558-0664 or (toll free) 1-866-558-0664. These forms are to be returned to the following address:

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

FEDERAL OFFICES

Candidates for federal office must file a Certificate of Announcement with the Secretary of State's Office to be on the ballot in West Virginia. These candidates must also follow the statement of organization and campaign finance reporting regulations of the Federal Election Commission (FEC).

Information on federal candidate filing and reporting requirements can be at www.fec.gov or call the FEC at 800-424-9530 or 202-694-1000.

U.S. HOUSE OF REPRESENTATIVES

Term:	2 years	Minimum Age:	25 years
Salary:	\$174,000*	Residence:	7 year citizen of the U.S. WV inhabitant when elected
Filing Fee:	\$1,740*		

One person will be elected from each of the Congressional Districts. The term begins in January 2023.

CONGRESSIONAL DISTRICTS

First

Boone
Braxton
Cabell
Calhoun
Clay
Fayette
Gilmer
Greenbrier
Jackson
Kanawha
Lincoln
Logan
Mason

Second

Barbour
Berkeley
Brooke
Doddridge
Grant
Hampshire
Hancock
Hardy
Harrison
Jefferson
Lewis
Marion
Marshall

McDowell	Mineral
Mercer	Monongalia
Mingo	Morgan
Monroe	Ohio
Nicholas	Pleasants
Pendleton	Preston
Pocahontas	Randolph
Putnam	Ritchie
Raleigh	Taylor
Roane	Tucker
Summers	Tyler
Wayne	Upshur
Webster	Wetzel
Wirt	Wood
Wyoming	

**Salaries and filing fees are based on figures available at publication.*

STATE OFFICES

Candidates for state office must file a Certificate of Announcement with the Secretary of State's Office to be on the ballot in West Virginia.

STATE SENATE

Term:	4 years	Minimum Age:	25 years
Salary:	\$20,000*	Residence:	WV 5 years prior to election.
Filing Fee:	\$200		District & county 1 year prior to election.

17 of the 34 seats in the state senate will be up for election to full terms in 2022. No candidate is eligible to file residing in a county and within the same district already represented by a seated senator.

SENATORIAL DISTRICTS

Bold indicates counties that are entirely within the senate district.

<u>District</u>	<u>Counties in District</u>
1	Brooke, Hancock, Marshall, Ohio
2	Doddridge, Marion, Marshall, Monongalia, Tyler, Wetzel

- 3 **Pleasants, Ritchie, Wirt, Wood**
- 4 Cabell, Jackson, **Mason**, Putnam
- 5 Cabell, Wayne
- 6 **McDowell, Mercer, Mingo**, Wayne
- 7 **Boone**, Kanawha, **Lincoln, Logan**
- 8 **Clay**, Jackson, Kanawha, Putnam, **Roane**
- 9 Fayette, **Raleigh, Wyoming**
- 10 Fayette, **Greenbrier, Monroe, Nicholas, Summers**
- 11 **Barbour, Braxton, Pendleton, Pocahontas, Randolph, Upshur, Webster**
- 12 **Calhoun, Gilmer, Harrison, Lewis**, Taylor
- 13 Marion, Monongalia
- 14 **Grant, Hardy, Mineral, Preston**, Taylor, **Tucker**
- 15 Berkeley, **Hampshire, Morgan**
- 16 Berkeley, **Jefferson**
- 17 Kanawha

HOUSE OF DELEGATES

Term:	2 years	Minimum Age:	18 years
Salary:	\$20,000*	Residence:	Resident of district for 1 year prior to Election.
Filing Fee:	\$100		

All 100 seats in the House of Delegates will be on the ballot in 2022. The candidate must know the correct district number before filing.

HOUSE OF DELEGATES DISTRICTS

Bold indicates a county entirely within one district.

**District 28 – the 2 members cannot be from the same county*

<u>DISTRICT #</u>	<u># ELECTED</u>	<u>COUNTIES IN DISTRICT</u>
1	1	Brooke, Hancock
2	1	Brooke, Hancock
3	1	Brooke, Ohio
4	1	Ohio
5	1	Ohio
6	1	Marshall
7	1	Marshall, Wetzel
8	1	Tyler, Wetzel, Doddridge
9	1	Pleasants, Ritchie, Tyler
10	1	Wood
11	1	Wood
12	1	Wood
13	1	Wood
14	1	Wirt, Wood
15	1	Roane, Wirt
16	1	Jackson
17	1	Jackson Mason
18	1	Mason, Putnam
19	1	Putnam
20	1	Putnam
21	1	Putnam
22	1	Cabell
23	1	Cabell
24	1	Cabell
25	1	Cabell
26	1	Cabell
27	1	Cabell, Wayne
28	1	Wayne
29	1	Mingo, Wayne
30	1	Lincoln
31	1	Boone, Lincoln, Logan
32	1	Boone
33	1	Logan
34	1	Mingo, McDowell
35	1	Wyoming
36	1	McDowell
37	1	Mercer
38	1	Mercer
39	1	Mercer
40	1	Monroe, Summers
41	1	Summers, Raleigh, Mercer
42	1	Raleigh

43	1	Raleigh, Wyoming
44	1	Raleigh
45	1	Raleigh, Fayette
46	1	Greenbrier, Pocahontas
47	1	Greenbrier, Monroe
48	1	Nicholas, Greenbrier, Webster
49	1	Nicholas
50	1	Fayette
51	1	Fayette
52	1	Fayette, Kanawha
53	1	Kanawha
54	1	Kanawha
55	1	Kanawha
56	1	Kanawha
57	1	Kanawha
58	1	Kanawha
59	1	Kanawha
60	1	Kanawha
61	1	Kanawha
62	1	Calhoun, Clay , Gilmer
63	1	Braxton , Gilmer
64	1	Lewis, Upshur
65	1	Upshur
66	1	Pocahontas, Randolph
67	1	Pendleton, Randolph
68	1	Barbour , Upshur
69	1	Harrison, Lewis
70	1	Harrison
71	1	Harrison
72	1	Harrison, Wetzel
73	1	Marion, Taylor
74	1	Marion
75	1	Marion
76	1	Marion
77	1	Monongalia, Wetzel
78	1	Monongalia
79	1	Monongalia
80	1	Monongalia
81	1	Monongalia
82	1	Monongalia
83	1	Preston
84	1	Preston
85	1	Grant, Tucker

86	1	Hardy , Pendleton
87	1	Mineral
88	1	Hampshire, Mineral
89	1	Hampshire, Morgan
90	1	Berkeley, Morgan
91	1	Berkeley
92	1	Berkeley
93	1	Berkeley
94	1	Berkeley
95	1	Berkeley
96	1	Berkeley
97	1	Berkeley, Jefferson
98	1	Jefferson
99	1	Jefferson
100	1	Jefferson

COUNTY OFFICES

All candidates for county office must file with their respective county clerk. The filing fee for county offices is one percent of the annual salary, except for the Greater Huntington Park and Recreation District. Because county classification is used to determine salary, please contact your county clerk for the filing fee.

All candidates for county office must be qualified voters and some offices have additional qualifications. For more information, you may contact the West Virginia Association of Counties at (304) 346-0591.

COUNTY CLERK

Term: 6 years	Minimum Age: 18 years
Filing Fee: Contact County Clerk	Residence: County

CIRCUIT CLERK

Term: 6 years	Minimum Age: 18 years
Filing Fee: Contact County Clerk	Residence: County

COUNTY COMMISSION

Term: 6 years	Minimum Age: 18 years
Filing Fee: Contact County Clerk	Residence: Open magisterial district

BOARD OF EDUCATION

Term: 4 years	Minimum Age: 18 years
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Filing Fee: \$25

Residence: Open magisterial district
Other: High School diploma or GED; Training required prior to taking office.

Each of the 55 county school systems is governed by a five-member nonpartisan board of education. No more than two members may be elected or serve from the same magisterial district. The residence of incumbent board members continuing in office after July 1, 2022 will govern which magisterial districts have openings. New terms begin July 1, 2022.

CONSERVATION DISTRICT SUPERVISOR

Term:	4 years	Minimum Age:	n/a
Filing Fee:	\$10	Salary:	n/a

Requirements: Landowner in district; education or experience in conservation.

At least one supervisor will be elected in each county within the fourteen conservation districts in West Virginia. Because of population, Berkeley and Kanawha Counties will elect two. Candidates for supervisor only run for the office in the county in which they reside. For any questions regarding this position, contact the West Virginia Conservation Agency at (304) 558-2204 or www.wvca.us.

GREATER HUNTINGTON PARK & RECREATION DISTRICT SUPERVISORS

Term:	6 years	Minimum Age:	18 years
Salary:	N/A	Residence:	Must reside in district in which they are elected
Filing Fee:	\$10		

Seats for District 1, District 2, District 3, District 5 (1 full term and 1 unexpired), and Westmoreland District (unexpired) will be on the Primary Election Ballot. If you have questions, please call the Greater Huntington Park & Recreation District at 304-696-5954.

COUNTY CLERK PHONE NUMBERS

BARBOUR	304-457-2232	KANAWHA	304-357-0130	PRESTON	304-329-0070
BERKELEY	304-264-1989	LEWIS	304-269-8215	PUTNAM	304-586-0202
BOONE	304-369-7330	LINCOLN	304-824-3336	RALEIGH	304-252-8681
BRAXTON	304-765-2833	LOGAN	304-792-8600	RANDOLPH	304-636-0543
BROOKE	304-737-3661	MARION	304-367-5445	RITCHIE	304-643-2164
CABELL	304-526-8625	MARSHALL	304-845-1220	ROANE	304-927-2860
CALHOUN	304-354-6725	MASON	304-675-1997	SUMMERS	304-466-7104
CLAY	304-587-4259	MCDOWELL	304-436-8544	TAYLOR	304-265-1401
DODDRIDGE	304-873-2631	MERCER	304-487-8338	TUCKER	304-478-2414
FAYETTE	304-574-4225	MINERAL	304-788-3924	TYLER	304-758-2102
GILMER	304-462-7641	MINGO	304-235-0330	UPSHUR	304-472-1068
GRANT	304-257-4550	MONONGALIA	304-291-7230	WAYNE	304-272-6362
GREENBRIER	304-647-6602	MONROE	304-772-3096	WEBSTER	304-847-2508
HAMPSHIRE	304-822-5112	MORGAN	304-258-8547	WETZEL	304-455-8224
HANCOCK	304-564-3311	NICHOLAS	304-872-7820	WIRT	304-275-4271
HARDY	304-530-0250	OHIO	304-234-3750	WOOD	304-424-1850
HARRISON	304-624-8613	PENDLETON	304-358-2505	WYOMING	304-732-8000
JACKSON	304-373-2250	PLEASANTS	304-684-3542		
JEFFERSON	304-728-3246	POCAHONTAS	304-799-4549		

PARTY EXECUTIVE COMMITTEES

Executive Committee members are selected in the Primary election to four-year terms. Candidates for State Executive Committees will file with the Secretary of State, except for candidates in Senate District 17. Candidates for District and County Executive Committee positions will file with the County Clerk.

When electing executive committee members, the two candidates with the highest votes shall be elected first and the other candidates shall be qualified based on vote tallies, gender and county of residence.

A current listing of all executive committee members shall be filed with the Secretary of State by the end of July each year. Any appointments to fill vacancies on an executive committee do not take effect if the updated list of committee members has not been submitted to the Secretary of State within 10 days of the appointment.

STATE EXECUTIVE COMMITTEE

Districts: Members will be elected from Senate Districts

District Members: Two (2) men and two (2) women are selected from each Senate District.

Filing Fee: \$20.00

No more than two committee members can be elected from the same county

DISTRICT EXECUTIVE COMMITTEES (Congressional, Senate and Delegate)

Districts: Members will be elected from each county in a multi-county district.

District Members: One (1) man and one (1) woman from each county in the district

Filing Fee: \$5.00

Does not apply to single-county senate or delegate districts

COUNTY EXECUTIVE COMMITTEE

Districts: Members will be elected from Magisterial or Executive Committee Districts.

District Members: If there are three (3) districts in the county, then two (2) men and (2) women will be elected from each district. If there are more than three (3) districts, then one (1) man and (1) woman will be elected from each district.

Filing Fee: \$10.00

UNEXPIRED TERMS

If a vacancy occurs due to retirement, resignation, disqualification or removal, an election may be required to complete the term. The candidate wishing to run for an unexpired term must file a Certificate of Announcement and specify it is for the unexpired term with the correct filing office. The Certificate of Announcement must be filed during the filing period for full terms and the candidate must pay the required fee for that office unless a special filing period has been proclaimed. Please

check with the appropriate filing office for possible unexpired terms that may be on the ballot in 2022.

NO PARTY ORGANIZATION CANDIDATES

(W. Va. Code § § 3-5-23 and 3-5-24)

An individual may run for public office without belonging to a political party recognized in West Virginia (Democratic, Libertarian, Mountain, and Republican). To run as a candidate with no party organization and have one's name placed on the ballot for the **General Election**, an individual must gather signatures on a nominating certificate. A candidate running with no party organization will not appear on the Primary election ballot.

Note: "No party" affiliation candidates may commonly be referred to as minor party, unaffiliated or independent candidates.

CREDENTIALS AND NOMINATING CERTIFICATES

The process for individuals seeking to run as no party organization candidates in the General election must follow the procedures outlined below:

1. Gain authorization to collect signatures by obtaining the Official Credentials Form from the County Clerk in each county one wishes to gather signatures; this form must be displayed to each voter canvassed or solicited;
2. Obtain the nominating certificates for gathering signatures, Candidate Nomination Petition; this form may be acquired at the time an individual obtains his or her credentials; and
3. Obtain the required number of signatures: **not less than one percent of the entire vote cast at the last preceding General election for the office being sought but never less than twenty-five.**

Additional Requirements

- Individuals seeking an office on the ballot in more than one county must use a separate nominating petition form for each county.
- Any signature gathered must be signed by the voter in his or her own handwriting or by his or her marks duly witnessed.
- In order for a voter's signature to count, he or she must be a duly registered voter within the county, district, or other political division represented by the office sought.

Deadline: A candidate with no party organization must file his or her Certificate of Announcement, nominating certificates and filing fee with the appropriate office no later than August 3, 2022.

WRITE-IN CANDIDATES

(W. Va. Code § 3-6-4a)

An individual may file as an official write-in candidate for offices to be elected in the Primary, General, or special election by filing the Write-In Candidate's Certificate of Announcement with the appropriate filing office. A person wanting to file as an official write-in candidate must meet the eligibility requirements for that specific office.

The following information applies to all write-in candidates:

- Write-in candidates are not listed on the ballot; rather, a list of official write-in candidates is posted at each polling place during early voting and on Election Day.
- Only votes for the official write-in candidates are counted.
- Write-in candidates are not required to pay a filing fee or collect signatures.

The deadline to file a Write-In Candidate's Certificate of Announcement for offices who are elected, instead of nominated, in the Primary Election: March 22, 2022

Only those offices elected in the Primary (Board of Education, Conservation District Supervisors) may have write-in candidates in the Primary election. The deadline to file a Write-In Candidate's Certificate of Announcement for offices elected in the General Election: September 20, 2022

MUNICIPAL ELECTIONS

(W. Va. Code- Chapter 8)

Any part of a county or counties may be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or a Class IV town or village. Municipalities generally elect a mayor, municipal recorder or clerk, and councilmen. Together they form the governing body of the municipality. The municipality normally frames and adopts a city charter; providing a method and time for filing of certificates of candidacy, nominating candidates, conducting Primary and regular municipal elections, and determining and certifying the results of elections. If a charter does not provide procedures for the administration of elections, municipalities must follow West Virginia State Code.

Since each municipality may have different filing dates and procedures for candidacy and campaign finance reporting than those contained in this guide for county and statewide offices, you should contact your municipal clerk/recorder for information regarding specific requirements in your city.

FILING PRE-CANDIDACY

Any candidate who wishes to raise money for his/her campaign before the official candidate filing period must first file a Pre-Candidacy Registration Form with the municipal clerk/recorder.

FILING THE MUNICIPAL CERTIFICATE OF ANNOUNCEMENT

The Municipal Candidate's Certificate of Announcement and Municipal Write-In Candidate's Certificate of Announcement must be filed with the municipal recorder/clerk within the appropriate filing periods.

CANDIDATE REQUIREMENTS

Unless otherwise provided by charter provision or ordinance, the mayor, recorder, and councilmen must be residents of the municipality and must be qualified voters entitled to vote for members of its governing body. (W. Va. Code § 8-5-7)

CAMPAIGN FINANCE

Anyone who files a Pre-Candidacy Registration Form and/or a Candidate's Certificate of Announcement is required to file Campaign Finance Reports. All funds received must be reported by name of contributor and the amount received, no matter how small. Contact your municipal clerk/recorder for specific reporting dates and deadlines.

SECTION II: MANAGING CAMPAIGN FINANCES

CANDIDATE FINANCIAL RECORDS

WHAT MUST BE TRACKED?

"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." (W. Va. Code § 3-8-5(a)(2))

KEEPING FINANCIAL RECORDS

"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 code is found, the committee may be held accountable for transactions for up to five years. (W. Va. Code § 3-8-5d) Therefore, it is highly recommended that receipts be kept for the entire five-year period.

FINANCIAL RESPONSIBILITY

The treasurer of the committee is responsible for the candidate committee's finances. All reporting requirements and financial transactions must be handled through the committee's treasurer. Agents of the committee may make transactions on behalf of the committee; the treasurer may reimburse the transactions for lawful expenses incurred by the agent. An agent may also accept contributions for the committee; however, the contributions must pass through the hands of the treasurer to ensure the contribution meets the criteria of a lawful contribution.

POLITICAL 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.

Except from the provisions of W.Va. Code § 3-8-9b, coordinated expenditures are contributions and are subject to all reporting requirements contained in W. Va. Code § 3-8-9a.

HOW MUCH MONEY CAN A CANDIDATE COMMITTEE ACCEPT?

A candidate committee may accept up to \$2,800 per Primary Election and \$2,800 per General Election. (W. Va. Code § 3-8-5c.) 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. (W. Va. Code § 3-8-5c(a)(1)(b).) If the candidate does not win nomination in the Primary Election, the committee must return the General Election contribution to the donor.

A receipt of corporate contributions is prohibited. (W. Va. Code § 3-8-8)

It is unlawful for a candidate committee to spend any funds that exceed the contribution limit. When a contribution exceeds the limit, the excess money must be returned to the contributor. All items of value (cash and in-kind contributions) given to a committee are counted toward this \$2,800 limit.

A candidate may contribute as much as he or she desires to his or her own campaign; however, he or she may not be repaid unless it is treated as a loan to the campaign, which requires a written agreement. 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 not accept contributions from another candidate committee that is campaigning for the current election; however, a 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.

As a State Candidate Committee, you may not receive money from an Independent Expenditure PAC.

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

HOW MUCH CAN A CANDIDATE COMMITTEE CONTRIBUTE TO OTHER CAMPAIGNS OR COMMITTEES?

A current candidate committee may contribute up to \$10,000 per calendar year to a party executive committee or a caucus campaign committee, and a campaign may contribute up to \$15,000 per calendar year out of excess campaign funds after the election. 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).

CANDIDATE CONTRIBUTION LIMIT SUMMARY

As a current State Candidate Committee, you may give up to \$10,000 per calendar year:

Party Executive Committee
Caucus Campaign Committee

As a current State Candidate Committee, you may NOT give money to the following:

Another State Candidate
PAC*
Federal Committee*

As a State Candidate Committee, you may receive up to \$2,800 in each General or Primary election from:

- Individuals
- State Political Action Committee (PAC)
- Executive Committee
- Federal Committee
- Corporate PAC

**Unless the expense is toward the purchase of an allowable expense as specified in W. Va. Code § 3-8-9 and W. Va. C.S.R. § 146-3-6.*

CASH CONTRIBUTIONS

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

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:

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

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, provided that the funds are 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 is the contribution is clearly identified to the General by the contributor but cannot be expended until after being nominated at the Primary Election.

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.

EXPENDITURE OF FUNDS

SPENDING MONEY

The committee has now raised money (contributions, transfers of money from previous campaign accounts, loans, out of pocket expenses, etc.) and is ready to spend the funds for political purposes. 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. The law is: if it is not on the list, then it is not allowed. This is to ensure that the funds are spent on electioneering purposes only, without exception.

Records of all transactions are to be kept for two years after the date of the transaction. The information to be kept for reporting purposes is:

- 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
- Amount of expenditures

Things to remember about spending money...

- All expenditures must be reported. Detailed accounts of all expenditures and 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
- All loans must be listed in the loan section on the campaign finance report
- An active candidate's committee (before the election date of the candidate) cannot give donations to other candidate's committees, political action committees, or charitable organizations
- An active committee (candidate, PAC or executive committee) cannot give a donation to a charitable organization; however, the committee can purchase tickets to events if it has a political purpose.
- All expenditures must be made at a rate and an amount which is proper and reasonable to the services purchased citation.
- Expenditures are reported on the date the check is written or the date the transfer of funds takes place
- A contribution is reported on the date that the check, cash or other thing of value is received by the treasurer or agent of the political committee

ALLOWABLE EXPENDITURES

(W. Va. Code § 3-8-9)

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
- Necessary travel and hotel expenses
- 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 W. Va. Code § 3-8-9, either on a full-time, part-time, or temporary basis
- Transfers to any national, state, or local committee, so long as there is no coordination between the candidate and political party committee
- Contributions to a county party executive committee, state party executive committee, or caucus campaign committee
- Payment for legal and accounting services
- Payment of any required filing fees
- For expenses related to caregiving services

CAMPAIGN FINANCE REPORTS

(W. Va. Code § 3-8-5)

Every candidate, pre-candidate and elected official is required to file campaign finance reports until the committee is closed. Even committees with a zero balance should file their reports in a timely manner to avoid fines. Candidates running for or elected to executive committee positions are not required to file campaign finance reports. These reports are to be filed in succession of one another.

There are two important time periods for campaign finance reports:

- The **transaction period** is the specific time period committees must track all contributions and expenditures for their campaign finance reports
- Financial activity tracked during each transaction period must be recorded on the campaign financial statement and submitted during the appropriate **time period in which the report is due**.

All candidates participating in the Primary Election are required to file the Primary Report in addition to all Quarterly Reports.

All candidates participating in the General Election are required to file the General Report in addition to all Quarterly Reports.

CAMPAIGN FINANCE REPORTING SCHEDULE

Report	Transaction Dates	Filing Dates
2021 2nd Quarter	April 1, 2021 – June 30, 2021	July 1, 2021 – July 7, 2021
2021 3rd Quarter	July 1, 2021 – September 30, 2021	October 1, 2021 – October 7, 2021
2021 4th Quarter	October 1, 2021 – December 31, 2021	January 1, 2022 – January 7, 2022
2022 1ST Quarter	January 1, 2022 – March 31, 2022	April 1, 2022 – April 7, 2022
2022 Primary Report	April 1, 2022 – April 24, 2022	April 25, 2022 – April 29, 2022
2022 2nd Quarter	April 25, 2022 – June 30, 2022	July 1, 2022 – July 7, 2022
2022 3rd Quarter	July 1, 2022 – September 30, 2022	October 1, 2022 – October 7, 2022
2022 General Report	October 1, 2022 – October 23, 2022	October 24, 2022 – October 28, 2022
2022 4th Quarter	October 24, 2022 – December 31, 2022	January 1, 2023 – January 9, 2023

* 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).)

CONSEQUENCES FOR LATE REPORTS

If your committee submits a late report, it shall be fined \$10 per day by the Secretary of State. The Secretary of State shall publish a list of late filers online, which shall be publicly available. Furthermore, if a candidate nominated by Primary election or appointed by the executive committee or executive committee chair fails to file his or her campaign finance report by the eighty-fourth day before the General election, he or she will be disqualified and will not appear on the General election ballot. 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. (W. Va. Code § 3-8-7.)

THE CAMPAIGN FINANCE REPORTING SYSTEM

The Campaign Finance Reporting System (CFRS) is designed to allow candidates and committees to file their financial reports in an efficient and accessible online method.

Candidates for the following offices are required to use the CFRS to file their financial reports:

- Governor
- Secretary of State
- Attorney General
- Auditor
- Treasurer
- Commissioner of Agriculture

- House of Delegates
- State Senate
- Supreme Court of Appeals
- Circuit Court Judge
- Family Court Judge

ELECTIONEERING COMMUNICATIONS, INDEPENDENT EXPENDITURES, AND POLITICAL ACTION COMMITTEE FINANCE REPORTING

As a result of legislative action in 2019, any person filing electioneering communication reports or independent expenditure reports, and any political committee filing campaign finance reports with the Secretary of State's Office **must be filed online** via the Campaign Finance Reporting System (CFRS) at cfrs.wvsos.gov.

The CFRS system allows committees to keep a record of contributions and expenditures in one convenient location throughout the election cycle. This system performs calculations and informs the user of errors which need to be corrected. While you can add your contributions and expenditures at any time, the finance reports cannot be submitted unless the reporting period is open.

PAPER FILERS ONLY: DETERMINING WHAT FORM TO USE

Only candidates for Greater Huntington Park Board, county, and municipal offices may use paper forms.

The Long Form Campaign Financial Statement includes all activities that are required by W. Va. Code § 3-8-5a. If a candidate's committee answers YES to any of the following questions, he or she must file the *Long Form*:

- 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 given an in-kind contribution to your campaign?
- Has your committee given or received a transfer of excess campaign funds?

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 W. Va. Code § 3-8-5a.

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.

One must mark the reporting period during the election cycle to which the financial report applies: 1st Quarter Report, 2nd Quarter Report, 3rd Quarter Report, 4th Quarter Report, Primary Report, or General Report. Each election cycle reporting period covers a certain time span during the election cycle.

These reports are to be filed in succession of one another. In addition to the Quarterly, Primary, and General Reports, individuals may file amended and final reports, which are defined below:

AMENDING REPORTS

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.

REPORTING LOANS

A candidate, spouse of a candidate, or a lending institution may give a loan to the committee. When a loan is taken, the treasurer must include a copy of the loan agreement with the next campaign finance report that is due. The loan agreement must state the date, amount, interest amount (if any), a description of collateral, and full names and addresses of all persons involved in the loan.

If a loan from the candidate or spouse is forgiven, the loan should then be considered as a contribution to the candidate's committee. To report the forgiving of a loan, report the remaining amount of the loan as a contribution to the committee from the candidate or spouse. In the loans section of the finance report, show the loan as paid; this will show 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 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. Listing unpaid bills will prevent the committee from having a negative ending cash balance and will show all transactions that have taken place. The transaction date of an unpaid bill will be the date that the vendor provides a bill for payment.

REPORTING OTHER INCOME

Receipts of income that are not considered contributions must also be reported. These include refunds on bills paid, interest on investments, checking accounts or saving accounts, sale of equipment, or any income not reported as a contribution or an in-kind contribution.

REPORTING CONTRIBUTIONS \$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 OVER \$250

Once contributions from an individual, association, or committee reach an accumulated total of more than the \$250 during an election cycle, the committee must collect and record additional information on the campaign finance report.

Required information from contributors of more than \$250:

Full name
 Address
 Amount of contribution
 Date the contribution was made
 Residential and mailing addresses

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 a homemaker or retired, write "not applicable")

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)

REPORTING A FUND-RAISING EVENT

Committees must report contributor information under the same requirements for reporting contributions as outlined above.

Paper filers must use the long form to report on a fund-raising event.

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

Paper filers: All contributions received at a fund-raising event must be reported on the fund-raising events page of the campaign financial statement.

Total Expenditures: All committee funds spent in relation to the fund-raising event.

Paper filers: 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 event 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.

Paper filers: In-kind contributions must be itemized in the in-kind contributions section of the campaign financial statement.

Joint Fund-raising Agreements: Prior to participation in joint fund-raisers, a written joint fund-raising agreement must be filed with the Secretary of State. The agreement must provide terms of allocation of proceeds between the participating committees.

REPORTING OTHER INCOME AND IN-KIND CONTRIBUTIONS

If the committee receives "other income" or an in-kind contribution, the Long Form Campaign Financial Statement must be used to report the committee finances.

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 – is considered other

income. 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.

In-Kind Contributions: A donation of goods or services used toward the campaign is considered an in-kind contribution. The amount of an in-kind contribution should be reported at the fair market value of the goods received or services rendered. 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.

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.

ADDITIONAL REPORT TYPES

In addition to Quarterly, Primary Election, and General Election campaign finance reports, a candidate committee may file the following reports at any time:

Amended Report: Filed to replace a previously submitted report to correct information.

Paper filers: both the amended report box and the reporting period that will be amended must be clearly marked.

Online filers: depending on the date of the transaction you are correcting, the system will prompt you to file an amended reporting for the appropriate filing period.

Final Report: Filed to close your account. The final report box must be marked. The committee's ending balance must be zero if filing a final report.

Paper filers: if the report is submitted during a required reporting period, the box for the reporting period must also be checked.

POLITICAL COMMUNICATIONS

POLITICAL DISCLAIMERS (W. Va. C.S.R. § 146-3-12)

No person may publish, issue, or circulate, or cause to be published, issued, or circulated, any anonymous letter (including e-mail), circular, placard, radio or television advertisement, or other publication supporting or aiding the election or defeat of a clearly identified candidate. For this reason, political advertisements and publications should include the name of the person who is responsible for the content. (W. Va. Code § 3-8-12(a))

Political disclaimers must be legible on the face of all political advertisements and other political materials, and they must clearly state the name of the person or organization authorizing the distribution of the material.

Political advertisements on broadcast, cable, or satellite transmission must include a statement identifying the person paying for the communication.

INDEPENDENT EXPENDITURES

Any expenditure that advocates for the election or defeat of a clearly identified candidate or candidates of a political party that is made without the consultation or coordination of a candidate or a candidate's committee is considered an independent expenditure.

A disclaimer must be present on any communication paid for by an independent expenditure, which clearly states that the communication is not authorized by the candidate or representative of the candidate and clearly identifies the person making the expenditure. If the communication is made for broadcast, cable or satellite transmission, it must be both spoken clearly and appear in a written format at the end of the communication.

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 electioneering communication, defined by W. Va. Code § 3-8-1a(14), must have a disclaimer clearly stating the name of the person or organization authorizing the communication. If the communication is made for broadcast, cable or satellite transmission, it must be both spoken clearly and appear in a written format at the end of the communication.

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

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))

AFTER THE ELECTION

(W. Va. C.S.R. § 146-3-7)

Amounts of funds received by a candidate as contributions that are in excess of the amount of expenditures for the election are considered "Excess Campaign Funds". No person may receive or use excess campaign funds for personal economic gain.

ALLOWABLE USES OF EXCESS CAMPAIGN FUNDS

The **only** allowable expenditures of excess campaign funds are outlined below (if it's not on the list, then it's not allowed):

- **Transfer of funds from a candidate's committee to the same candidate's committee for a subsequent election year:** The candidate must form a new committee by filing a Pre-Candidacy Statement for the later election year prior to making the transfer of funds. It should be reported as an expenditure on the old campaign and a contribution on the new campaign. There is no limitation of the amount of funds that may be transferred.
- **Making a charitable contribution:** There is no monetary limitation for charitable contributions.
- **Contribution to another candidate's committee:** The limit on this contribution is \$2,800 per Primary Election and \$2,800 per General Election.
- **Offsetting any usual and customary expense incurred in connection with the duties as a holder of public office:** Any items purchased will become the property of the State, or the district, county, or municipality of the office that is held.
- **Contribution to any state political party executive committee or a legislative caucus committee:** The limit on this contribution is \$15,000 in a calendar year.
- **Return of contributions on a pro-rata basis to each donor.**
- **Transfer to any national committee of any political party:** The limit on this contribution is in accordance with federal requirements.

- **Contribution to a county or political subdivision executive committee of a political party:** The limit on this contribution is \$10,000 per calendar year.

HOW TO CLOSE A COMMITTEE

When a committee no longer has outstanding debts or liabilities and has a zero balance in their campaign account, the committee may close. To close a committee, one must file a **Final Report** itemizing all transactions made since the last report was filed. The report must reflect the zero balance. Filing a proper Final Report ends all reporting requirements for that committee.

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.

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 (800) 969-5798

- c. Mountain (304) 669-0247
 - 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. Department of Homeland Security
 - a. Greg Carden, DHS Protective Security Advisor (West Virginia), Gregory.Carden@hq.dhs.gov, (202) 841-1907
- 6. Your legal and communications teams or key staff who oversee your campaign operations

ELECTION RESOURCES

Elections Division

WV Secretary of State
 State Capitol Building 157-K
 Charleston, WV 25305
 (304) 558-6000
 (866) 767-8683
elections@wvsos.gov
www.wvsos.gov

Information on state election laws/regulations, candidate filing, campaign finance reporting requirements, forms, official election returns for statewide elections, and voter registration information.

West Virginia Ethics Commission

210 Brooks Street, Suite 300
 Charleston, WV 25301
 (304) 558-0664
 (866) 558-0664
ethics@wv.gov
www.ethics.wv.gov

Forms and information on filing personal financial disclosures and questions regarding conflicts of interest between outside employment and public office.

Federal Election Commission (FEC)

1050 First Street, NE
 Washington, DC 20463
 (800) 424-9530, menu option 6
info@fec.gov
www.fec.gov

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.

State Election Commission (SEC)

C/o WV Secretary of State
 State Capitol Building 157-K
 Charleston, WV 25305
elections@wvsos.gov
www.wvsos.gov

Voter system certification, filling vacancy on General election ballot when candidate withdraws for extenuating circumstances, and campaign finance issues.

U.S. Election Assistance Commission (EAC)

633 3rd Street NW, Suite 200

Washington, DC 20001

(866) 747-1471

www.eac.gov

Serves as a national clearinghouse for information and reviews procedures for federal elections.

RECOGNIZED POLITICAL PARTIES

West Virginia Democratic Party

P.O. Box 11926

Charleston, WV 25339

(304) 342-8121

wvparty@wvdems.org

www.wvdemocrats.com

Information on Democratic Party political activities, functions of executive committees, process for delegates to national contention, and party rules.

West Virginia Libertarian Party

P.O. Box 2506

Parkersburg, WV 26102

(800) 969-5798

www.lpww.org

Information on Libertarian Party political activities, functions of executive committees, process for delegates to national contention, and party rules.

West Virginia Mountain Party

121 Village Green Road

Salem, WV 26426

(304) 669-0247

contact@mountainpartywv.net

mountainpartywv.net

Information on Mountain Party political activities, functions of executive committees, process for delegates to national contention, and party rules.

West Virginia Republican Party

P.O. Box 2711

Charleston, WV 25330

(304) 768-0493

wvgop@wvgop.org

www.wvgop.org

Information on Republican Party political activities, functions of executive committees, process for delegates to national contention, and party rules.