

2016

RUNNING FOR OFFICE IN WEST VIRGINIA



Provided by:
West Virginia Secretary of State's Office
Elections Division

RUNNING FOR OFFICE IN WEST VIRGINIA - 2016

Primary Election – May 10
(Second Tuesday in May)

General Election – November 8
(Tuesday following first Monday in November)

Table of Contents

The Decision to be a Candidate.....	2
Can You Run for Office and Continue Your Present Job	3
Section I: Becoming a Candidate	
Filing as a Pre-Candidate.....	5
The Certificate of Announcement	6
Nonpartisan Candidates.....	8
Federal Offices	10
State Offices	11
Senatorial Districts	12
Delegate Districts	13
Delegates to National Convention.....	14
County Offices	15
County Clerk Information.....	16
No Party Organization Candidates.....	17
Write-In Candidates	18
Municipal Elections.....	19
Code of Fair Campaign Practices.....	20
Section II: Managing Campaign Finances	
Financial Records	22
Political Contributions.....	22
Expenditure of Funds.....	24
Allowable Expenditures.....	25
Campaign Finance Reporting.....	26
Campaign Finance Reporting Schedule.....	26
Waiver.....	27
Political Communications	27
Inaugural Committees	28
Reporting Requirements.....	29
Public Campaign Financing.....	32
After the Election	33
2016 Primary Dates	34
2016 General Dates	35
2017 Dates.....	35
Additional Resources.....	36

If you have questions concerning this information, please call the West Virginia Secretary of State's Office toll-free at 1-866-767-8683. You can also visit our website at www.wvsos.com for more information. Some information contained in this publication does not represent settled law but is only the interpretation of the Office of the Secretary of State. Until the West Virginia Supreme Court, or a Federal District or Circuit Court, has issued a ruling, interpretations may be subject to dispute. The West Virginia Secretary of State does not have legal authority to issue binding legal opinion.

All citations in this document are to the WV Constitution, WV Code, WV Code of State Rules (CSR) or Federal law.

THE DECISION TO BE A CANDIDATE

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

POLITICAL PARTIES

There are four recognized political parties in West Virginia:

Democratic
Libertarian
Mountain
Republican

These parties will nominate candidates for offices on the General Election ballot by a primary election or by convention. Parties may also elect Delegates to the National Convention during the Primary Election. 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.

ELECTIONS

Primary: An election for political parties to nominate candidates for offices on the General Election ballot.

The election of candidates for Nonpartisan Offices occurs at the same time as the Primary Election. Candidates for the following offices will be elected:

- Justice of the Supreme Court*
- Circuit Court Judge*
- Family Court Judge*
- Magistrate*
- Board of Education Members
- Soil Conservation Supervisors

**HB 2010 passed in the 2015 legislative session requires the election for judicial offices be nonpartisan and by division, where applicable. The term of office will begin on January 1, 2017.*

General: An election to choose from candidates nominated in the primary election, by party convention, or by certificates of nomination, who are listed on the ballot. Write-in candidates may also be chosen, however, their names are not printed on the ballot. The voter must write the name of the candidate on the ballot if the voter wants to vote for an official write-in candidate.

ARE YOU ELIGIBLE TO RUN?

It is your fundamental right to run for office; however, some limitations do exist. Review the requirements for the office to make sure you meet the minimum age requirement, residency requirement and other requirements. "Residence" has been defined by the West Virginia Supreme Court as the place where you actually live. A business location is not a residence. Property which you rent to someone else is not a 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.

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. The Secretary of State and county and municipal officials do not normally determine disputes about a candidate's eligibility. Such legal disputes are normally 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:

- Judicial officers and employees may run for judicial office but must resign if they announce their candidacy or file for non-judicial offices.
- Board of education members must resign upon filing for a partisan office, and members of other boards and commissions may also be restricted from political activity.
- The **Hatch Act** covers federal civil service employees and some state 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: <https://osc.gov/Pages/HatchAct.aspx>.

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

SECTION I

BECOMING

A

CANDIDATE

FILING AS A PRE-CANDIDATE

(WV Code §3-8-5e)

Filing for pre-candidacy is not declaring your candidacy for that office; rather, it is a tool used to better gauge your ability to raise money in support of your possible candidacy.

Before you raise money for a possible candidacy, you must first file a [Pre-Candidacy Registration Form](#). You cannot raise money without filing this registration. On the registration form, you must declare the person who will be responsible for your committee's financial transactions, also known as the treasurer. It is the responsibility of the treasurer to receive, keep and disburse all sums of money. It is important to note that judicial candidates are prohibited from being his or her own treasurer.

WHEN TO FILE AS A PRE-CANDIDATE

You may file for pre-candidacy no more than four years before the term of a position is up for election. If the term of the position you are seeking is less than four years, then you may file for pre-candidacy the term before the next election.

REPORTING REQUIREMENTS OF A PRE-CANDIDATE

Every sum of money, item or service of value received, all expenditures made and liabilities incurred must be reported. The pre-candidate is required to file an annual report in accordance with the reporting schedule for campaign finances. The report must identify all contributions and expenditures subsequent to the previous 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. Candidates can be their own treasurer except in the case of judicial candidates.

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 2016

Friends of _____

Remember that your committee name must be on all printed campaign material and advertisements, indicating that it was paid for by the committee. No anonymous election material is permitted to be printed or published.

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.

THE CERTIFICATE OF ANNOUNCEMENT

You must use the [Certificate of Announcement \(Partisan\)](#) to declare your candidacy for a partisan office or the [Certificate of Announcements \(Nonpartisan\)](#) to declare your candidacy for a nonpartisan office. All required information on the form must be provided. The form must be signed and notarized. Any missing information or signatures will cause the form to be rejected. You cannot refile a corrected Certificate of Announcement after the filing deadline.

At the time of filing your Certificate of Announcement, you must also pay a filing fee. 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 2016 election cycle, candidates must file a Certificate of Announcement during the following period:

Monday, January 11, 2016 through midnight on Saturday, January 30, 2016.

The Certificate of Announcement cannot be accepted prior to January 11, 2016. If the form is received or postmarked before January 11, 2016, it will be returned and must be filed only during the proper filing period. Filings that are mailed must be postmarked by the U.S. Postal Service before midnight on January 30. If you use an express shipping service (UPS, FedEx, DHL, etc.) your filing must be **received** by midnight on January 30 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, State office, State Senate, House of Delegates, Judicial office, except Magistrate, and those running for an office in more than one county

County Clerk: candidates for an office which is entirely within one county 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. 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 a candidate. **Late filings will not be accepted.** ***

ALLOWABLE NICKNAMES ON THE BALLOT (WV CSR §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 (WV Code §§3-5-13a and 3-6-2)

A drawing by lot will be conducted in the county clerk's office in each county to determine ballot position. The drawing for the Primary Election will be held at 9:00 a.m. on February 23, 2016 (fourth Tuesday following the close of candidate filing) and for the General Election, at 9:00 a.m. on August 30, 2016 (seventieth day preceding the election). Ballot positions shall be selected for any office or division for which more than one candidate is to be nominated.

LAST DAY TO WITHDRAW (WV Code §3-5-11)

The last day to withdraw your name from the ballot and decline to stand as a candidate for the office is February 16, 2016 (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. After that deadline, withdrawals may occur only by the approval of the State Election Commission.

FILING WITH THE ETHICS COMMISSION (WV Code §§6B-2-6 and 6B-2-7)

Within ten days of filing the Certificate of Announcement, candidates 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. The Ethics forms are available where you file your Certificate of Announcement or you may print the form from the Ethics Commission website at www.ethics.wv.gov. *Please note that 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 25301-1804**

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 filing and reporting regulations of the Federal Election Commission (FEC) for campaign finance reporting.

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

PRESIDENT OF THE UNITED STATES

Term:	4 years	Minimum Age:	35 years
Salary:	\$400,000*	Residence:	14 years resident of the U.S. and natural born citizen
Filing Fee:	\$2,500		

The President cannot hold office for more than 2 consecutive terms.

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 three Congressional Districts. The term begins in January 2017.

CONGRESSIONAL DISTRICTS

First

Barbour
Brooke
Doddridge
Gilmer
Grant
Hancock
Harrison
Marion
Marshall
Mineral
Monongalia
Ohio
Pleasants
Preston
Ritchie
Taylor
Tucker
Tyler
Wetzel
Wood

Second

Berkeley
Braxton
Calhoun
Clay
Hampshire
Hardy
Jackson
Jefferson
Kanawha
Lewis
Morgan
Pendleton
Putnam
Randolph
Roane
Upshur
Wirt

Third

Boone
Cabell
Fayette
Greenbrier
Lincoln
Logan
Mason
McDowell
Mercer
Mingo
Monroe
Nicholas
Pocahontas
Raleigh
Summers
Wayne
Webster
Wyoming

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.

GOVERNOR

Term:	4 years	Minimum Age:	30 years
Salary:	\$150,000	Residence:	Resident of West Virginia
Filing Fee:	\$1,500		5 years prior to election

The Governor cannot hold office for more than 2 consecutive terms.

SECRETARY OF STATE

Term:	4 years	Minimum Age:	18 years
Salary:	\$95,000	Residence:	Citizen of West Virginia
Filing Fee:	\$950		

STATE AUDITOR

Term:	4 years	Minimum Age:	18 years
Salary:	\$95,000	Residence:	Citizen of West Virginia
Filing Fee:	\$950		

STATE TREASURER

Term:	4 years	Minimum Age:	18 years
Salary:	\$95,000	Residence:	Citizen of West Virginia
Filing Fee:	\$950		

COMMISSIONER OF AGRICULTURE

Term:	4 years	Minimum Age:	18 years
Salary:	\$95,000	Residence:	Citizen of West Virginia
Filing Fee:	\$950		

ATTORNEY GENERAL

Term:	4 years	Minimum Age:	25 years
Salary:	\$95,000	Residence:	Eligible to register vote; resident of WV five (5) years prior to election
Filing Fee:	\$950		

STATE SENATE

Term:	4 years	Minimum Age:	25 years
Salary:	\$20,000	Residence:	Citizen of West Virginia 5 years prior to election and resident of district & county one year prior to election
Filing Fee:	\$200		

17 of the 34 seats in the state senate will be up for election to full terms in 2016. No candidate may file from a county already represented by a seated senator within the same district.

SENATORIAL DISTRICTS

Bold indicates counties that are entirely within the district.

<u>District</u>	<u>Counties in District</u>
1	Brooke, Hancock, Marshall, Ohio
2	Calhoun, Doddridge, Gilmer, Marion, Marshall, Monongalia, Ritchie, Tyler, Wetzel
3	Pleasants, Roane, Wirt, Wood
4	Jackson, Mason, Putnam, Roane
5	Cabell, Wayne
6	McDowell, Mercer , Mingo, Wayne
7	Boone, Lincoln, Logan, Mingo, Wayne
8	Kanawha, Putnam
9	McDowell, Raleigh, Wyoming
10	Fayette, Greenbrier, Monroe, Summers
11	Grant, Nicholas, Pendleton, Pocahontas, Randolph, Upshur, Webster
12	Braxton, Clay, Gilmer, Harrison, Lewis
13	Marion, Monongalia
14	Barbour, Grant, Hardy, Mineral, Monongalia, Preston, Taylor, Tucker
15	Berkeley, Hampshire, Mineral, Morgan,
16	Berkeley, Jefferson
17	Kanawha

HOUSE OF DELEGATES

Term: 2 years
Salary: \$20,000
Filing Fee: \$100

Minimum Age: 18 years
Residence: Resident of district (and county, if limited) for 1 year prior to election

All 100 seats in the House of Delegates will be on the ballot in 2016. The candidate must know the correct district number before filing. The Secretary of State's Office or your County Clerk can help you identify your district.

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	2	Brooke, Hancock
2	1	Brooke, Ohio
3	2	Ohio
4	2	Marshall , Ohio
5	1	Monongalia, Wetzel
6	1	Doddridge , Pleasants, Tyler
7	1	Pleasants, Ritchie
8	1	Wood
9	1	Wirt , Wood
10	3	Wood
11	1	Jackson, Roane
12	1	Jackson
13	2	Jackson, Mason, Putnam
14	1	Mason, Putnam
15	1	Putnam
16	3	Cabell, Lincoln
17	2	Cabell, Wayne
18	1	Cabell
19	2	Wayne
20	1	Logan, Mingo
21	1	McDowell, Mingo, Wyoming
22	2	Boone, Lincoln, Logan, Putnam
23	1	Boone
24	2	Boone, Logan, Wyoming
25	1	McDowell, Mercer, Wyoming
26	1	McDowell, Mercer
27	3	Mercer, Raleigh
28*	2	<i>Monroe, Raleigh, Summers</i>
29	1	Raleigh
30	1	Raleigh
31	1	Raleigh, Wyoming
32	3	Clay, Fayette , Kanawha, Nicholas, Raleigh

33	1	Calhoun , Clay, Gilmer
34	1	Braxton , Gilmer
35	4	Kanawha
36	3	Kanawha
37	1	Kanawha
38	1	Kanawha, Putnam
39	1	Kanawha
40	1	Kanawha
41	1	Greenbrier, Nicholas
42	2	Greenbrier, Monroe, Summers
43	2	Pocahontas , Randolph
44	1	Nicholas, Randolph, Upshur, Webster
45	1	Upshur
46	1	Lewis , Upshur
47	1	Barbour , Tucker
48	4	Harrison , Taylor
49	1	Marion, Monongalia, Taylor
50	3	Marion
51	5	Monongalia
52	1	Preston
53	1	Preston, Tucker
54	1	Grant , Mineral, Pendleton
55	1	Hardy , Pendleton
56	1	Mineral
57	1	Hampshire, Mineral
58	1	Hampshire, Morgan
59	1	Berkeley, Morgan
60	1	Berkeley
61	1	Berkeley
62	1	Berkeley
63	1	Berkeley
64	1	Berkeley
65	1	Jefferson
66	1	Jefferson
67	1	Jefferson

DELEGATES TO NATIONAL CONVENTION

Statewide At Large Delegates to the Republican National Convention

District: Statewide

Seats: 22 delegates elected as outlined below:

- The candidate that receives the most votes for this office will be elected regardless of his or her county or congressional district
- The top 7 vote getters from each Congressional District will be elected, totaling 21 delegates
- Of those 21 delegates, no more than two may come from the same county

Filing Fee: \$20.00

Congressional District Delegates to the Republican National Convention

District: Congressional 1, 2, and 3

Seats: 9 (3 from each congressional district)

Filing Fee: \$10.00

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 / COUNTY COUNCIL

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

PROSECUTING ATTORNEY

Term:	4 years	Minimum Age:	18 years
Filing Fee:	Contact County Clerk	Residence:	Must reside in West Virginia

Other: Admitted to practice law by the time the term begins

SHERIFF

Term:	4 years	Minimum Age:	18 years
Filing Fee:	Contact County Clerk	Residence:	Must reside in the county in which they are elected

A sheriff may only serve part or all of 2 consecutive terms.

ASSESSOR

Term:	4 years	Minimum Age:	18 years
Filing Fee:	Contact County Clerk	Residence:	Must reside in the county in which they are elected

SURVEYOR

Term:	4 years	Minimum Age:	18 years
Filing Fee:	\$10	Other:	Must be licensed

Each county elects a county surveyor, but the office carries no official duties and no salary, unless the county commission contracts with the elected surveyor for specific work.

GREATER HUNTINGTON PARK & RECREATION DISTRICT
SUPERVISORS

Term: 6 years
Salary: N/A
Filing Fee: \$10

Minimum Age: 18 years
Residence: Must reside in district in which they are elected

One commissioner will be elected to full terms from districts 1, 2, 3, and 5, and one commissioner will be elected for an unexpired term from district 5.

COUNTY CLERK PHONE NUMBERS					
BARBOUR	304-457-2232	KANAWHA	304-357-0130	POCAHONTAS	304-799-4549
BERKELEY	304-264-1989	LEWIS	304-269-8215	PRESTON	304-329-0070
BOONE	304-369-7330	LINCOLN	304-824-3336	PUTNAM	304-586-0202
BRAXTON	304-765-2833	LOGAN	304-792-8620	RALEIGH	304-252-8681
BROOKE	304-737-3668	MARION	304-367-5447	RANDOLPH	304-636-0543
CABELL	304-526-8633	MARSHALL	304-845-1220	RITCHIE	304-643-2164
CALHOUN	304-354-6725	MASON	304-675-1997	ROANE	304-927-2860
CLAY	304-587-4259	MCDOWELL	304-436-8544	SUMMERS	304-466-7104
DODDRIDGE	304-873-2631	MERCER	304-487-8338	TAYLOR	304-265-1401
FAYETTE	304-574-4225	MINERAL	304-788-3924	TUCKER	304-478-2414
GILMER	304-462-7641	MINGO	304-235-0339	TYLER	304-758-2102
GRANT	304-257-4550	MONONGALIA	304-291-7230	UPSHUR	304-472-1068
GREENBRIER	304-647-6604	MONROE	304-772-3096	WAYNE	304-272-6370
HAMPSHIRE	304-822-5112	MORGAN	304-258-8547	WEBSTER	304-847-2508
HANCOCK	304-564-3311	NICHOLAS	304-872-7820	WETZEL	304-455-8224
HARDY	304-530-0250	OHIO	304-234-3750	WIRT	304-275-4271
HARRISON	304-624-8675	PENDLETON	304-358-2505	WOOD	304-424-1860
JACKSON	304-373-2232	PLEASANTS	304-684-3542	WYOMING	304-732-8000
JEFFERSON	304-728-3246				

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 2016.

NO PARTY ORGANIZATION CANDIDATES

(WV 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 organization candidates are commonly 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:

- 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
- 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
- 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 resident 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 1, 2016.

WRITE-IN CANDIDATES

(WV 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

Deadline to file a Write-In Candidate's Certificate of Announcement for offices elected in the Primary Election: March 22, 2016

- **Only those offices elected in the primary (Justice of the Supreme Court, Circuit Court Judge, Family Court Judge, Magistrate, Board of Education, and Conservation District Supervisors) may have write-in candidates in the primary election.**

Deadline to file a Write-In Candidate's Certificate of Announcement for offices elected in the General Election: September 20, 2016

MUNICIPAL ELECTIONS

(WV 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 other 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. (WV Code §8-5-7)

CAMPAIGN FINANCE

Anyone who files 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. There are normally four reports due in relation to each municipal election cycle. Contact your municipal clerk/recorder for specific reporting dates.

THE 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 meant to create an atmosphere of campaigning that is ethical, constructive, and equitable.

Subscription and adherence to the Code of Fair Campaign Practices is voluntary. No person can 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 and who has not exceeded the spending limitations is automatically released from the portion of the code establishing the campaign spending limitations.

VOLUNTARY CONTRIBUTION LIMITATIONS

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

Expenditures that do not exceed the limits designated for the primary election are not added to the limits for the general election.

Highlights of this code include pledging to do the following:

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

SECTION II

MANAGING CAMPAIGN FINANCES

FINANCIAL RECORDS

WHAT MUST BE TRACKED?

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

KEEPING FINANCIAL RECORDS

Candidates “*and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of six months records of receipts and expenditures which are made for political purposes.*” (WV Code §3-8-2) The committee should keep the receipts of all financial transactions for accounting purposes; however, the Secretary of State or County Clerk may conduct an audit, and the receipts would need to be presented for review. (WV Code §3-8-7) If any violation of code is found, the committee may be held accountable for transactions for up to five years. (WV 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 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 and have the treasurer reimburse the transaction for the lawful expense 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.

AMENDING REPORTS

A report submitted by the committee may be altered to reflect the accurate financial activity if a mistake is discovered. 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.

POLITICAL CONTRIBUTIONS

Contribution “means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate.” (WV Code §3-8-1a)

Remember to get all of the information required for your campaign finance report from your contributors at the time they make their donation. This will prevent you from using precious campaign time to track down this information later.

CONTRIBUTION LIMITATIONS

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

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.

As a State Candidate you may give up to \$1,000 to:

Executive Committee
Legislative Caucus Committee

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

Another State Candidate
PAC
Federal Committee

As a State Candidate you may receive up to \$1,000 from:

State Political Action Committee (PAC)
Executive Committee
Federal Committee
Corporation PAC

As a State Candidate you may NOT receive money from an Independent Expenditure PAC

A PAC may not contribute to another PAC, unless it is a national affiliate

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. Activities such as passing the hat, to bring in contributions are not allowable. All contributions must be identified with the full name of the person or group of persons that gave 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. (WV Code §3-8-5a) Send an amount equal to the anonymous contribution to:

WV Secretary of State's Office
Elections Division
1900 Kanawha Blvd. East
Building 1 Suite 157-K
Charleston, WV 25305

CANDIDATE COMMITTEE ELECTION CYCLES

There are two possible 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 the Primary Election Day. 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 of its financial obligations after the general election.

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.

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 by such means as the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.*” (WV Code §3-8-1a(15))

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. (WV Code §3-8-5a)

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 electioneering purposes. No money may be spent from committee funds unless it is allowed by WV Code §3-8-9 or WV CSR §146-3-6. The law is: if it's not on the list, then it's 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 six months after date of the transaction. The information to be kept for reporting purposes are:

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

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
- All expenditures must be made at a rate and an amount which is "proper and reasonable" to the services purchased
- 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 the check, cash or other thing of value is received by the treasurer or agent of the political committee"

ALLOWABLE EXPENDITURES

(WV 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 WV Code §3-8-9, either on a full-time, part-time, or temporary basis

CAMPAIGN FINANCE REPORTING

(WV Code §3-8-5)

Every candidate, pre-candidate and elected official is required to file [campaign finance reports](#) until the committee is closed. Candidates running for or elected to executive committee positions are not required to file campaign finance statements.

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**

Election Year 2016 Campaign Finance Reporting Schedule

Report	Transaction Period	Report Due
Primary-First	March 28, 2015 - March 25, 2016	March 26, 2016 - April 1, 2016
Pre-Primary	March 26, 2016 - April 24, 2016	April 25, 2016 - April 29, 2016
Post-Primary	April 25, 2016 - May 22, 2016	May 23, 2016 - June 21, 2016
General -First	May 23, 2016 - September 25, 2016	September 26, 2016 - September 30, 2016
Pre-General	September 26, 2016 - October 23, 2016	October 24, 2016 - October 28, 2016
Post-General	October 24, 2016 - November 20, 2016	November 21, 2016 - December 19, 2016
2017 Annual	November 21, 2016 - March 24, 2017	March 25, 2017 - March 31, 2017
**Candidates in past elections (prior to the 2016 election) and pre-candidates for future elections with open campaign accounts will file data for the time periods below.		
2016 Annual	March 28, 2015 - March 25, 2016	March 26, 2016 - April 1, 2016
2017 Annual	March 26, 2016 - March 24, 2017	March 25, 2017 - March 31, 2017

Election Year 2016 Non-Partisan Campaign Finance Reporting Schedule

Report	Transaction Period	Report Due
Primary-First	March 28, 2015 - March 25, 2016	March 26, 2016 - April 1, 2016
Pre-Primary	March 26, 2016 - April 24, 2016	April 25, 2016 - April 29, 2016
Post-Primary	April 25, 2016 - May 22, 2016	May 23, 2016 - June 21, 2016
2017 Annual	May 23, 2016 - March 24, 2017	March 25, 2017 - March 31, 2017

CONSEQUENCES FOR EARLY AND LATE REPORTS

Any report that is filed early will be returned to the committee and will not be considered as received. The committee must then resubmit the report and it must be received by the deadline or it will be considered late and could incur a fine.

- For a report that is mailed, the date of the postmark is considered the date the report is received.
- If the postmarked date is prior to the opening of the filing period, the report will be returned.
- If a report arrives in the office after the close of the filing period, but is postmarked within the filing period, it will be considered timely filed.
- For hand delivery, the filing date is the date of delivery to the proper filing officer during their regular business.

If your committee submits a late report, you may be subject to a fine issued by the Secretary of State of \$25 per day. Furthermore, if a candidate nominated by primary election or appointed by the executive committee or executive committee chair fails to file their 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. (WV 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
- Supreme Court of Appeals

Other candidates for state offices and PACs have the option to use the CFRS or file by paper. Committees must request access to use the system by completing the [CFRS Online Authorization form \(candidates\)](#) or [CFRS Online Authorization form \(PACs\)](#) and submitting it to the Secretary of State's Office. Candidates may also request authorization on the [Pre-Candidacy Registration form](#).

The CFRS system allows committees to keep a record of contributions and expenditures in one convenient location which can be reviewed and corrected before submitting the report. This system performs the calculations and informs the user of errors which need to be corrected. Reports cannot be submitted unless the reporting period is open, therefore, the CFRS is an efficient way to track your activities throughout the election cycle.

THE WAIVER

A [waiver](#) may be filed in place of the Annual, First Primary and the First General Report if the committee meets certain criteria. Any activity that is not reported by submitting a waiver must be shown in the next reporting period. (WV Code §3-8-5)

The Annual or First Primary Report may be waived if the total amount of all financial activity equals less than \$500 since the last report filed.

The First General Report may be waived if the total amount of all financial activity equals less than \$500 since the last report filed and if there are no outstanding loans to report.

POLITICAL COMMUNICATIONS

POLITICAL DISCLAIMERS

No person may publish, issue or circulate any anonymous political advertisement, letter, circular, placard or other publication expressly advocating the election or defeat of a clearly identified candidate. Any political advertisement or other publication that identifies the person who is responsible for the content will not be considered anonymous. This includes communications such as e-mail.

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

INDEPENDENT EXPENDITURES

Any expenditure that is done by a person or organization 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.

ELECTIONEERING COMMUNICATIONS

Any electioneering communication, defined by WV Code §3-8-1a(12), 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 allowable. 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. (WV CSR §146-3-10.7)

Written communications, asking for money or other support or votes, delivered to the workplace of state, county or municipal employees are illegal. The “please disregard” disclaimer does not legally excuse knowingly delivering communications to a workplace or government email account. (WV Code §3-8-12(c))

INAUGURAL COMMITTEES

(WV Code §3-8-2a)

After an election, a person, organization or group of persons may organize an inaugural committee to solicit or receive contributions for the purpose of funding an inaugural event for a person elected to a statewide public office. This inaugural event must be held within 90 days of the general election in which the person was elected. Inaugural committees function with contribution limitations and reporting requirements differently than those of a political committee.

CONTRIBUTION LIMITATIONS

Donors may include individuals, organizations and corporations with a contribution limitation of \$5,000. Contributions cannot be made from political action committees, candidate committees (including excess funds), or political party executive committees. However, political party executive committees may host their own inaugural event for a candidate of their party.

REPORTING REQUIREMENTS

Contributions: An inaugural committee must report and retain records of all contributions that are in excess of \$250. The committee must obtain the contributor’s full name, residence and mailing address, an individual’s business affiliation and occupation, and the amount of the contribution. This includes in-kind contributions, which are counted toward the contribution limit of \$5,000. The methodology of fundraising must also be listed.

Expenditures: Information listed as expenditures must include the name, address, amount and nature of the expenditure. Any expenditure made must be on behalf of the inaugural event, and not for an individual’s personal gain. Funds in possession of the committee after all debts have been paid in relation to the event are considered in excess of the event and may

be contributed to an educational, cultural, or charitable organization or to the Governor's Mansion Fund. All funds must be spent by the time of filing the final report.

An inaugural committee must file a [financial statement](#) of contributions received and expenditures made within 90 days of the event. Within 60 days of filing the previous report, all funds must be lawfully disbursed and a [final report](#) must be filed, closing the committee.

REPORTING REQUIREMENTS

In addition to reporting contributions received and expenditures made, all liabilities incurred by a committee must be reported. The following is a brief description of the requirements for reporting the expenditures or liabilities incurred by a committee.

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 for each loan 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 is to be forgiven, the loan should then be considered as a contribution from the candidate or spouse 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 such loan as paid; this will show the committee no longer carries the liability.

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 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.

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.

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 laws.

DETERMINING WHAT FORM TO USE

The [Long Form Campaign Financial Statement](#) includes all activities that are required by WV 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 WV 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.

REPORTING PERIODS

One must mark the reporting period during the election cycle to which the financial report applies: primary-first, pre-primary, post-primary, general-first, pre-general, post-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

Annual Report: Due annually, during off election years. Candidate and committees open during a non-election cycle must check the box for the annual report and fill in the calendar year.

Amended Report: Filed to replace a previously submitted report to correct 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 noted. The committee's ending balance must be zero if filing a final report.

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 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

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

If a committee hosts a fund-raising event, such as a dinner or reception for the purpose of raising money for the campaign, the Long Form Campaign Financial Statement must be used to report committee finances.

Fund-Raising Event: All contributions received at a fund-raising 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.

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

Total Expenditures: All committee funds spent in relation to the fund-raising event. These expenditures are to be 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. In-kind contributions must be itemized in the in-kind contributions section of the campaign financial statement.

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. 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. 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 LOANS

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

2016 CAMPAIGN PUBLIC FINANCING

(WV Code §3-12-1 et. seq.)

The West Virginia Legislature has created a program using public monies to finance campaigns for candidates running for the Justice of the West Virginia Supreme Court of Appeals. This program is known as the West Virginia Supreme Court of Appeals Public Financing Program. The State Election Commission (SEC) is responsible for administering the public campaign financing fund.

Participation is voluntary for any candidate who chooses to receive the public monies. Public monies are provided only to qualified candidates. Candidates accepting public monies cannot raise and spend other contributions and must adhere to the requirements of Chapter 3, Article 12. More information regarding the Supreme Court Public Campaign Financing program can be found at www.wvsos.com.

AFTER THE ELECTION

(WV CSR§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 utilize 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 subsequent election year prior to making the transfer of funds. There is no limitation of the amount of funds that may be transferred.
- **Contribution to another candidate’s committee, political action committee, or a local executive committee**
The limit on these contributions is \$1,000 per cycle.
- **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 these contributions is in accordance with federal requirements.
- **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.
- **Making a charitable contribution**
There is no monetary limitation for charitable contributions.

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 particular committee.

2016 PRIMARY ELECTION DATES

- Jan. 11 - 30** Candidate filing period. Certificates of Announcement & filing fees must be received in appropriate office or postmarked by U. S. Postal Service before midnight, January 30
- Jan. 21 - Feb. 9** Candidates file personal financial disclosure with Ethics Commission within 10 days after filing certificate of announcement
- Feb. 16** Deadline for candidates to withdraw. Filing officer must receive written notice signed by candidate and notarized by close of business or name may not be removed from ballot
- Feb. 16** Secretary of State certifies and posts list of candidates filed with the Secretary of State's Office and begins to prepare a certification for each county
- Feb. 23** Uniform drawing date for ballot position begins at 9 a.m. in all counties for all offices
- Mar. 1** Secretary of State's certification of candidates must be received at county clerk's Office by this date
- Mar. 22** Write-in candidate filing deadline for the election of Justice of the Supreme Court, Circuit Court Judge, Family Court Judge, Magistrate, Board of Education and Conservation District Supervisors Only
- Mar. 26 - Apr. 1** First Primary campaign finance report due
- Apr. 19** Voter Registration deadline for Primary Election
- Apr. 25 – Apr. 29** Pre-Primary campaign finance report due
- Apr. 27 - May 7** **Early Voting in person**
- May 10** **PRIMARY ELECTION DAY (§3-5-1)**
- May 16** Primary election canvass begins.
If no candidate requests recount, canvass board certifies election results 48 hours after the last county publicly declares results
- Election contest must be filed within 10 days after certification of election
- May 23 - June 21** Post-Primary campaign finance report due

2016 GENERAL ELECTION DATES

July 1	Board of Education and Conservation District Supervisors terms begin
July 11	Secretary of State and Clerk of County Commission give notice to Prosecuting Attorney for the candidates, agents or treasurers who failed to file required financial reports
Aug. 1	Deadline to file Nominating Petitions, Certificates of Announcement and Pay Fee for no political party organizations
Aug. 24 - 29	Secretary of State certifies names of candidates for the ballot
Aug. 30	Drawing for order of candidate names on the ballot
Sept. 20	Write-in candidate filing deadline for General Election
Sept. 26 - 30	First General campaign finance report due
Oct. 11	Last day for candidate or political committee to file statement of organization and designation of treasurer or financial agent
Oct. 18	Voter registration deadline for General Election
Oct. 24 - 28	Pre-General campaign finance report due
Oct. 26 – Nov. 5	Early Voting in person
Nov. 8	GENERAL ELECTION DAY (WV Const. §4-7)
Nov. 14	General election canvass begins <ul style="list-style-type: none">• If no candidate requests recount, canvass board certifies election results 48 hours after the last county publicly declares results• Election contest must be filed within 10 days after certification of election
Nov. 21 – Dec. 19	Post-General campaign finance report due

2017 DATES

Jan. 9	Secretary of State and Clerk of County Commission give notice to Prosecuting Attorney for the candidates, agents or treasurers who failed to file required financial reports
Mar. 25 – Mar. 31	2017 Annual campaign finance report due

ADDITIONAL RESOURCES

Federal Election Commission 999 E Street, NW Washington, DC 20463 (800) 424-9530 www.fec.gov or info@fec.gov	Information on federal campaign laws, financial reporting requirements, and forms for federal candidates.
U.S. Election Assistance Commission 1335 East West Highway, Suite 4300 Silver Spring MD 20910 (866) 747-1471 www.eac.gov	Serves as a national clearinghouse for information and reviews procedures for federal elections.
Election Division WV Secretary of State, Building 1, Suite 157-K 1900 Kanawha Blvd., East Charleston, WV 25305 (304) 558-6000 www.wvsos.com or elections@wvsos.com	Information on state election laws and regulations, candidate filing, campaign finance reporting requirements, forms, official election returns for statewide offices, legislative offices and voter registration information.
State Election Commission c/o WV Secretary of State Building 1, Suite 157-K 1900 Kanawha Blvd., East Charleston, WV 25305 www.wvsos.com or elections@wvsos.com	Voter information and voting system approval, filling vacancy on general election ballot when candidate with draws for extenuating circumstances, campaign finance issues.
WV Ethics Commission 210 Books Street, Suite 300 Charleston, WV 25301 (304) 558-0664 www.ethics.wv.gov	Forms and information on filing personal financial disclosures, questions regarding conflicts of interest between outside employment and public office.
State Democratic Executive Committee 717 Lee Street, Suite 214 Charleston, WV 25301 (304) 342-8121 www.wvdemocrats.com	Information on Democratic Party political activities, functions of executive committees, delegates and party rules.
State Republican Executive Committee PO Box 2711 Charleston, WV 25330 (304) 768-0493 www.wvgop.org	Information on Republican Party political activities, functions of executive committees, delegates and party rules.
State Mountain Party Executive Committee RR 1, Box 108 Ripley, WV 25271 (304) 989-1629 www.mtparty.org	Information on Mountain Party political activities, functions of executive committees and party rules.
State Libertarian Party Executive Committee PO Box 135 Jane Lew, WV 26378 (855) 687-5798 www.lpvw.org	Information on Libertarian Party political activities, functions of executive committees and party rules.
