



Dear Friend:

As the Chief Election Officer of West Virginia it is my responsibility, along with the State Election Commission, to provide citizens with information about running for public office. The office of the Secretary of State is pleased to provide you with the *2010 Running for Office in West Virginia* guide. Running for office is a commendable decision.

Inside this publication you will find practical information regarding the start of your campaign, filing for office and tracking the financial activity of your campaign. If the information you need is not addressed in this guide please contact a member of our elections division by calling 1-866-SOS-VOTE (1-866-767-8683) or by e-mailing us at elections@wvsos.com.

Sincerely,

A handwritten signature in blue ink that reads "Natalie E. Tennant". The signature is written in a cursive, flowing style.

Natalie E. Tennant
Secretary of State

RUNNING FOR OFFICE IN WEST VIRGINIA - 2010

Primary Election – May 11
(Second Tuesday in May)

General Election – November 2
(Tuesday following first Monday in November)

Table of Contents

Before You File	2
Filing as a Pre-Candidate	3
The Certificate of Announcement	5
The Code of Fair Campaign Practices	8
Write-In Candidates	9
Minor Political Parties & Independent Candidates	10
Vacancies on the Ballot	12
Unexpired Terms	14
Federal Offices	15
State Offices	16
Senatorial Districts	17
Delegate Districts	18
County Offices	19
Salaries & Filing Fees for County Offices	22
Party Executive Committees	23
Municipal Elections	24
Keeping Committee Financial Records	25
Political Contributions	26
Campaign Finance Reporting System On-line	29
Expenditures of Funds	30
Allowable Expenditures	31
Political Disclaimers	32
Reporting Schedule	33
Reporting Requirements	34
The Finance Statement	35
Contribution Reporting Requirements	36
The Waiver/Early or Late Reports	38
After the Election	39
Political Action Committees	40
Independent Expenditures	42
Inaugural Committees	43
§527 Activity in West Virginia	44
2010 Key Dates	45
Notes	
Need to Know More?	Inside Back Cover

Please note that the information in this publication was verified as of the date of publication. Any changes occurring after that date will not be reflected in this publication. If you have questions concerning any of this information, please call the West Virginia Secretary of State's Office at 1-304-558-6000, or toll-free at 1-866-SOS-VOTE (1-866-767-8683). You can also visit our website at www.wvsos.com.

All citations in this document are to the W. Va. Constitution, W. Va. Code, W. Va. Code of State Rules or appropriate Federal law.

Cover photograph by Eliza Drown

BEFORE YOU FILE

Before you decide to file for office, think carefully about your personal situation and the office you may seek. File only for an office that fits your abilities and other responsibilities. Public office is a serious commitment to service. Be sure you are ready and able to make that commitment.

DOES HOLDING AN ELECTED OFFICE FIT YOU?

First ask yourself if you can do the job. Is it full-time or part-time? What are the duties? Can you perform those duties? Will other business activities cause any conflict of interest if you are elected? The answers to these questions are important to your decision.

ARE YOU ELIGIBLE TO RUN?

Check the requirements for the office to make sure you meet the age, residence and other requirements, and that you are not prohibited from running. Generally, these requirements are set by the United States or West Virginia Constitutions or by West Virginia State Election laws. It is your fundamental right to run for office; however, some limitations do exist. If you are not eligible, you will likely find yourself in court when someone seeks to have your name removed from the ballot or challenges your nomination or election.

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:

- Employees classified under state civil service provisions must take a leave of absence upon filing for office.
- The **Hatch Act** covers federal civil service employees and some state employees in programs financed by federal loans or grants, and prohibits them from running for partisan office without first resigning.
- Persons employed by the Division of Highways, or as deputy sheriffs, correctional officers, paid municipal police or firefighters who are covered by civil service must resign their jobs upon filing for office.
- 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 some other boards and commissions are also restricted from political activity.

If you think a conflict might exist, consult your personnel director or the West Virginia Ethics Commission at (304) 558-0664 or toll free at (866) 558-0664.

FILING AS A PRECANDIDATE

(W.Va. Code §3-8-5e)

STARTING A CANDIDATE COMMITTEE

When the time comes to test your ability to raise money for a possible candidacy, you must first file a **Precandidacy Statement**. You cannot raise or spend 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**. Treasurers are required to have all financial transactions regarding the campaign committee "pass through their hands."

WHAT IS A PRECANDIDATE?

A Precandidate exists after a person files a statement declaring his/her desire to run for office, forms a committee and names a treasurer. A Precandidate may raise and spend money in the same fashion as a candidate.

Filing for Precandidacy is not declaring your candidacy for that office; rather it is a tool used to better understand your ability to raise money in support of your possible candidacy. If and when you file your Certificate of Announcement during the official candidate filing period (pg. 5-7), you may choose to seek a different office or decide not to seek office at all.

WHEN CAN I FILE AS A PRECANDIDATE?

When you file as a precandidate, you may file no sooner than:

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

Precandidacy forms may be filed for all offices on the ballot in 2010.

For House of Delegates in 2010, the earliest date to file is December 1, 2008

For State Senate in 2010, the earliest date to file is December 1, 2006

For Constitutional Officer in 2012, the earliest date to file is January 15, 2009

FILING AS A PRECANDIDATE

(W.Va. Code §3-8-5e)

REPORTING REQUIREMENTS OF A PRECANDIDATE

The reporting requirements for a precandidate are almost the same as those for a candidate. Every sum of money or other item or service of value received, all expenditures or disbursements made and liabilities incurred must be filed in the same manner as candidates. Differences in the reporting for precandidates relate to the timing of the reports. The precandidate, if no official candidacy papers have been filed, must file annually on the last Saturday in March or within 6 days thereafter. This report **does not** include an option to file a waiver; the precandidate's annual report is mandatory. Any statement filed by a precandidate must identify all contributions and expenditures subsequent to the previous report filed, if applicable.

NAMING A TREASURER (W.Va. Code §3-8-3)

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

CREATING A COMMITTEE NAME (W.Va. Code §3-8-3)

The name of your committee can be anything you desire that is relevant to your candidacy. Some common committee names include: Committee to Elect ____, ____ for Senate 2010, or 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 can be printed or published.

THE CERTIFICATE OF ANNOUNCEMENT

(W.Va. Code §3-5-7)

West Virginia Code §3-5-7(c) sets the candidate filing period as:

“not earlier than the second Monday in January next preceding the primary election day, and not later than the last Saturday in January next preceding the primary election day, and must be received before midnight, Eastern Standard Time, of that day, or if mailed, shall be postmarked by the United States Postal Service before that hour.”

For the 2010 election cycle, candidates must file a Certificate of Announcement during the period from **Monday, January 11, 2010 through midnight on Saturday, January 30, 2010**. The Certificate of Announcement cannot be accepted prior to January 11 and any Certificate that is mailed must be post marked by the U.S. Postal Service by midnight of January 30. If you use an express shipping service (UPS, FedEx, DHL, etc.) your certificate must be received by midnight, January 30. Dates provided by these services are not equivalent to postmarks. If the form is filed or postmarked before January 11, 2010, it will be returned and must be filed only during the proper filing period.

WHERE TO FILE YOUR CERTIFICATE OF ANNOUNCEMENT

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

- W.Va. Code §3-5-7

With the **Secretary of State** if you are a candidate for any State Senate or House of Delegate office or if you are running for an office on the ballot in more than one county;

With the **County Clerk** if you are a candidate for an office which is entirely within one county (all State Senate and House of Delegate candidates file with Secretary of State);

With the **Municipal Recorder** if you are a candidate running for municipal office.

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

THE CERTIFICATE OF ANNOUNCEMENT

BE CERTAIN TO FILE YOUR CERTIFICATE OF ANNOUNCEMENT PROPERLY

The Certificate of Announcement must be accurate to the best of your knowledge. Submitting a Certificate of Announcement with inaccurate statements could lead to charges of false swearing and removal of your name from the ballot. All items on the Certificate of Announcement must be completed prior to submission. Incomplete Certificate of Announcements will be returned and may make it difficult, or even impossible to submit the form by the close of the candidate filing period.

The Certificate of Announcement must include:

- Candidate's legal name
- Candidate's name as it should appear on the ballot
- Residence address
- Contact information
- Candidate's Signature
- Official Notarization

FILING FEES FOR YOUR OFFICE (W.Va. Code § 3-5-8)

At the time of filing your Certificate of Announcement, you must also pay a filing fee. This fee may be paid by check or money order. Cash may be used if you file in person. Personal checks may be used; however, if the check is returned for insufficient funds, your candidacy will not be certified. Checks should be made payable to the Secretary of State's Office or the County Clerk's Office, depending on where you filed. Many of the filing fees listed below 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. Please check with your County Clerk for specific fees for county offices.

Federal Offices:	
U.S. House of Representatives	\$1,740
State Offices:	
Justice of the Supreme Court (<i>unexpired term</i>)	\$1,210
State Senate	\$200
House of Delegates	\$100
County Offices:	
County Clerk	\$422.40 - \$554.40
Circuit Clerk	\$422.40 - \$554.40
County Commission	\$198.00 - \$369.60
Board of Education	\$25
Conservation District Supervisor	\$10
Greater Huntington Park & Rec. Board	\$10

THE CERTIFICATE OF ANNOUNCEMENT

ALLOWABLE NICKNAMES ON THE BALLOT (W.Va. CSR §153-14-3)

A nickname may be placed within a name on the ballot by using quotation marks or within parenthesis, or used in lieu of the candidate's first name. A candidate may not use a title or position with their name such as Dr., Rev., Sen., and Sheriff nor may it carry a common meaning of status, such as Sarge, Coach, or Doc. A nickname shall also be limited to one word. Guidelines for the allowable use of nicknames are listed in WV CSR §153-14-3.

BALLOT POSITIONING (W.Va. 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 will be held at 9:00 a.m. on February 23, 2010 (fourth Tuesday following the close of candidate filing) and for the General, at 9:00 a.m. on August 24, 2010 (seventieth day next 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 (W.Va. Code §3-5-11)

The last day to withdraw your name from the ballot is February 16, 2010 (third Tuesday following close of candidate filing). If no withdrawal request is submitted, your name cannot be removed from the ballot unless approved by the State Election Commission.

FILING WITH THE ETHICS COMMISSION (W. Va. Code §§6B-2-6 and 6B-2-7)

Within 10 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 web site at www.wvethicscommission.org. 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. If no answer is applicable, mark the box for "none". 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:

WV Ethics Commission
210 Brooks St., Suite 300
Charleston, WV 25301-1804

THE CODE OF FAIR CAMPAIGN PRACTICES

(W.Va. 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 that will create an atmosphere of campaigning that is constructive, ethical, and good-natured. The code has been in existence since 1995, and has had a successful rate of subscriptions since its conception. This trend is expected to continue in future elections.

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 shall be automatically released from the portion of the code establishing the campaign spending limitations.

VOLUNTARY CONTRIBUTION LIMITATIONS

	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 may not be added to the limits for the general election.

Highlights of the 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

WRITE IN CANDIDATES

(W.Va. Code §3-6-4a)

If you decide to run a write-in campaign for election to any office, you must be an official write-in candidate. Only votes for official write-in candidates will be counted.

WHAT IS AN OFFICIAL WRITE-IN CANDIDATE?

Any eligible person who seeks to be elected by write-in votes to an office (except delegate to a national convention) which is to be filled in a primary, general or special election and submits a Write-in Candidate's Certificate of Announcement to the proper filing officer is considered an official write-in candidate. Note: Only those offices elected in the primary (Board of Education, Conservation District Supervisors, Executive Committee members) may be write-in candidates in a primary election.

HOW DO I FILE AS A WRITE IN?

The write-in candidate's completed Write-in Candidate's Certificate of Announcement must be **received** no later than the close of business on September 21, 2010 (March 30, 2010 for Board of Education) in which the office will be filled (later deadlines may apply in case of death or disqualification of a candidate). The Certificate must be received by the same filing officer where other candidates for that office would file. A write-in candidate is not required to pay a filing fee.

The Write-in Certificate of Announcement should include:

- ✓ The office for which you are filing, and district, if applicable
- ✓ Your legal name (first, middle and last name)
- ✓ Name by which you are known (given name by which you will campaign)
- ✓ County in which you are a qualified voter
- ✓ Current residence address (also give mailing address, if different)
- ✓ Daytime phone number and e-mail address
- ✓ Phone number and e-mail address of campaign headquarters (if applicable)
- ✓ The election in which you are a candidate.

WRITE-IN CANDIDATE NAMES ARE NOT PRINTED ON THE BALLOT

Per WV Code §3-6-4a, official write-in candidate names are not printed on the ballot. However, the names of all official write-in candidates are posted at all appropriate precincts during early voting and on Election Day.

MINOR POLITICAL PARTY & INDEPENDENT CANDIDATES

(W.Va. Code §§3-5-23 and 3-5-24)

You can run for public office without belonging to one of the major political parties in West Virginia that have gained automatic ballot access. (This currently includes the Democratic, Mountain, and Republican parties.) You may run as a minor party candidate or as an independent candidate simply by gathering signatures on a nominating petition to have your name placed on the **general** election ballot. Your name does not appear on the primary election ballot when you run as a minor or independent candidate. The petitioning process serves as the primary election for minor party or independent candidates.

The deadlines and procedures associated with getting your name on the general election ballot by petition are outlined below:

CREDENTIALS

The person or persons soliciting or canvassing signatures of duly qualified voters must first obtain an Official Credentials Form (P-1) from the county clerk's office for each county where they plan to gather signatures. This form gives you authorization to solicit petition signatures from duly qualified voters and must be exhibited to each voter canvassed or solicited. The certificate shall state:

- The name and residence of each of the candidates
- That he or she is legally qualified to hold the office
- That the subscribers are legally qualified and duly registered as voters and desire to vote for the candidates
- Shall designate, by not more than five words in length, the name of the party which the candidate(s) represents. A device or emblem to be printed on the official ballot may also be adopted and included with the other credential requirements

DECLARATION OF CANDIDACY

You must also file a declaration of candidacy, or Candidate's Certificate of Announcement, as well as pay a filing fee with the appropriate filing officer. The Candidate's Certificate of Announcement must be filed not later than the first day of August preceding the general election.

MINOR POLITICAL PARTY & INDEPENDENT CANDIDATES

(W.Va. Code §§3-5-23 and 3-5-24)

PETITION

Next, you must obtain the petition form for gathering signatures. You may obtain this form, Minor Party or Independent Candidate Nomination Petition (P-3), at the same time and from the same office where you request the Credentials form. *Remember, if the office you are running for will be elected by the voters of more than one county, you will need to use a separate petition form for each county.*

SIGNATURES

The number of signatures required on the petition should be equal to **not less than one percent** of the entire vote cast at the last preceding general election for the office being sought, but can never be less than twenty-five. All signatures must have been personally signed by duly registered voters in their own proper handwriting or by their marks duly witnessed, and they must be residents within the county, district or other political division represented by the office sought. Petitions are due no later than the first day of August preceding the general election for all candidates.



VACANCIES ON THE BALLOT

(WV Codes §§3-5-11 and 3-5-19)

WHAT ARE "BALLOT VACANCIES"?

Vacancies occur on the ballot for regular terms when candidates:

- Fail to file for an office (or not enough file to fill the available positions)
- Withdraw by deadline
- Withdraw due to extenuating personal circumstances which will prevent the candidate from serving, if elected
- Are determined to be ineligible and are disqualified
- Die after filing for office.

WHO FILLS BALLOT VACANCIES?

For most partisan offices, the appropriate political party Executive Committee can fill a vacancy on the ballot. The appropriate committees are: the State Executive Committee for statewide vacancies; Congressional, Senatorial and Delegate district committees for multi-county district vacancies for their respective legislative districts; and County Executive Committees for single-county legislative districts and partisan county offices.

If the Executive Committee fails to make an appointment or fails to certify the appointment of the candidate to the proper filing officer within the time required, the Chairperson of the Executive Committee may make the appointment.

HOW IS A BALLOT VACANCY FILLED?

The proper committee must meet with a quorum present and select a candidate by majority vote. If the committee meets but fails to reach a quorum or fails to agree on a nominee, the committee chair may make the appointment. An appointment is not complete until the Certificate of Appointment, the Candidate's Certificate of Announcement, and the filing fees are **received** by the deadline by the proper filing officer.

VACANCIES ON THE BALLOT

(W.Va. Code §§3-5-11 and 3-5-19)

DEADLINES FOR FILLING BALLOT VACANCIES

When no candidate files, or the candidate withdraws by February 16, 2010:

- Executive Committee may fill vacancy no later than **February 12, 2010** for **Primary election**.
- Executive Committee Chair may fill vacancy no later than **February 16, 2010** for **Primary election**.
- Executive Committee may fill vacancy no later than **March 1, 2010** for **General election**.
- Executive Committee Chair may fill vacancy no later than **March 3, 2010** for **General election**.

When a vacancy occurs by August 10, 2010 because nominee is incapacitated:

- Executive Committee may fill vacancy no later than **August 16, 2010** for **General election**.
- Executive Committee Chair may fill vacancy no later than **August 18, 2010** for **General election**.

When a vacancy occurs by August 10, 2010 because nominee is determined to be ineligible, a written statement must be submitted to the State Election Commission (SEC) no later than August 10, 2010 explaining why the candidate is not eligible to be placed on the General Election ballot or eligible to hold office, if elected.

- Executive Committee may fill vacancy no later than **August 16, 2010** for **General election**.
- Executive Committee Chair may fill vacancy no later than **August 18, 2010** for **General election**.

When a nominee withdraws by August 10, 2010 due to extenuating personal circumstances that will prevent the candidate from serving if elected:

Candidate or Chairperson must apply in writing to SEC no later than August 10, 2010 for permission to withdraw.

- If permission is granted, Executive Committee may fill vacancy no later than **August 16, 2010** for **General election**.
- If permission is granted, Executive Committee Chair may fill vacancy no later than **August 18, 2010** for **General election**.

When a nominee dies on or before October 8, 2010:

Executive Committee may appoint nominee no later than 21 days following death of candidate or incumbent in office not on the ballot (chair no later than 23 days following death), or no later than **October 11, 2010**, whichever date occurs first. Since ballots have already been printed by this time, WV Code provides for the use of stickers in cases of late nominations.

Note: See W. Va. Code §3-5-19 (c) for Board of Education vacancies.

UNEXPIRED TERMS

(W.Va. Code §3-5-19)

FOR POSITIONS WHICH WILL BE UP FOR ELECTION IN 2010:

If an office holder who would have been up for election this year leaves office, the vacancy is normally filled by appointment, and the appointee will serve until the new term begins. In this case, the term will not appear as an unexpired term on the ballot.

FOR POSITIONS WHICH WOULD NOT ORDINARILY BE UP FOR ELECTION IN 2010:

If the office holder would **not** have been up for election this year, an election for the remaining unexpired term will probably be necessary, depending on the office and when the vacancy occurs. These vacancies happen through retirement, resignation, disqualification or removal, and the positions are usually filled by appointment. The appointees normally serve only until the seat can be filled by election. The only unexpired term on the ballot in 2010 listed in this publication is for Justice of the Supreme Court. Because the status of unexpired terms could change, please contact the Secretary of State's Office or your County Clerk to learn more.

Candidates for an unexpired term must specify "unexpired term" on their Candidate's Certificate of Announcement if a full term for that office is also on the ballot (as with State Senate or County Commission). Only candidates specifying the unexpired term will be placed on the ballot for that position.

Candidates for the Board of Education run for the available positions. The eligible candidates receiving the highest votes will be elected to the full terms, and the next highest eligible vote-getter will be elected to an unexpired term if such a term exists.

If the vacancy is for the Board of Education, a special filing period will open. If the appropriate deadlines are not met, the position may still be filled by write-in (see page 9). Special provisions apply for high-level offices, in some cases involving nomination by party convention. You may contact the Secretary of State's Office with questions concerning unexpired terms.

FEDERAL OFFICES

U.S. HOUSE OF REPRESENTATIVES

Term:	2 years	Minimum Age:	25 years
Salary:	\$174,000*	Residence:	WV on or before Election Day
Filing Fee:	\$ 1,740*		(U.S. Const. Article 1, Section 2)
Other:	U.S. citizen 7 years		

West Virginians will elect members to the House of Representatives in 2010, one from each of the three congressional districts. The new terms of members begin in January 2011.

CONGRESSIONAL DISTRICTS

First

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

Second

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

Third

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

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

STATE OFFICES

JUSTICE OF THE SUPREME COURT

(unexpired term; full term elected in 2012)

Term:	2 years	Minimum Age:	30 years
Salary:	\$121,000*	Residence:	Citizen of WV 5 years prior to election
Filing Fee:	\$ 1,210*		
Qualifications:	Be a member in good standing of the WV State Bar; admitted to practice law at least 10 years prior to election (W. Va. Const., Article 8-7 and 4-4)		

STATE SENATE

Term:	4 years	Minimum Age:	25 years
Salary:	\$20,000*	Residence:	WV 5 years prior to election
Filing Fee:	\$ 200*		District & county one year prior to election (W. Va. Const., Article 4-4 and 6-12)

Seventeen of the thirty-four seats in the state senate will be up for election to full terms in 2010. No candidate may file from a county already represented by a seated senator (except in District 8 and 17 in Kanawha County).

HOUSE OF DELEGATES

Term:	2 years	Minimum Age:	18 years
Salary:	\$20,000*	Residence:	District (and county, if limited) one year prior to election (W. Va. Const., Article 6-12)
Filing Fee:	\$ 100*		

All one hundred seats in the House of Delegates will be on the ballot in 2010. Eligible candidates from any area may file. Before filing, be sure you know your district number. Your county clerk can help you identify your district if you live close to a district boundary.

Although terms technically begin December 1, 2010, new members cannot take office until the Legislature convenes in January 2011, declares the election, and members take the oath of office in the House Chamber.

The Legislature shall assemble annually for a regular session at the seat of government. Regular sessions of the Legislature begin on the second Wednesday of January each year. The Governor may also call special sessions of the Legislature.

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

SENATORIAL DISTRICTS

For the Year 2010

(W. Va. Code §1-2-1)

District Counties in District

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

Italics indicate counties that are wholly within the district.

HOUSE OF DELEGATES DISTRICTS

For the Year 2010

(W. Va. Code §1-2-2)

Dist.	# Del.	Counties	Dist.	# Del.	Counties
1	2	Brooke, <i>Hancock</i>	30	7	Kanawha
2	2	Brooke, Ohio	31	1	Kanawha
3	2	Ohio	32	3	Kanawha
4	2	<i>Marshall</i> , Ohio	33	1	<i>Calhoun</i> , Clay, Gilmer
5	1	Monongalia, Wetzel	34	1	<i>Braxton</i> , Gilmer
6	1	<i>Doddridge</i> , Tyler, Wetzel	35	1	Nicholas
7	1	<i>Pleasants</i> , <i>Ritchie</i>	36	1	Nicholas, <i>Webster</i>
8	1	Wood	37	2	<i>Pocahontas</i> , <i>Randolph</i>
9	1	Wood, <i>Wirt</i>	38	1	<i>Lewis</i> , Upshur
10	3	Wood	39	1	Upshur
11	1	Jackson, <i>Roane</i>	40	1	<i>Barbour</i> , Upshur
12	1	Jackson	41	4	<i>Harrison</i> , Marion
13	2	Jackson, Mason, Putnam	42	1	Marion, Monongalia, <i>Taylor</i>
14	2	Mason, Putnam	43	3	Marion, Monongalia
15	3	Cabell, Lincoln	44	4	Monongalia
16	3	Cabell, Wayne	45	1	Preston
17	2	Wayne	46	1	Preston, <i>Tucker</i>
18	1	Boone	47	1	<i>Hardy</i> , Pendleton
19	4*	Boone, Lincoln, <i>Logan</i> , Putnam	48	1	<i>Grant</i> , Mineral, Pendleton
20	1	Mingo, Wayne	49	1	Mineral
21	1	McDowell, Mingo	50	1	Hampshire, Mineral
22	2	McDowell, Mercer, <i>Wyoming</i>	51	1	Hampshire, Morgan
23	1	McDowell	52	1	Berkeley, Morgan
24	1	Mercer	53	1	Berkeley
25	2	Mercer	54	1	Berkeley
26	1	<i>Monroe</i> , Summers	55	1	Berkeley
27	5*	<i>Raleigh</i> , Summers	56	1	Berkeley, Jefferson
28	2	<i>Greenbrier</i>	57	1	Jefferson
29	3	Clay, <i>Fayette</i> , Nicholas	58	1	Jefferson

Italics indicate counties that are wholly within the district.

*District 19 may not have more than 3 delegates to be nominated, elected, or appointed who are residents of any single county within the district.

*District 27 may not have more than 4 delegates to be nominated, elected, or appointed who are residents of any single county within the district.

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 board of education and surveyor. Because county classification is used to determine salary, please refer to the county classification schedule on page 22. Salaries and filing fees are based on figures available at publication.

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 COMMISSION

Term: 6 years
Residence: In open magisterial district
Filing Fee: See page 22
Age: 18 years
(W. Va. Const., Article 9-10)

Fifty-four counties will elect one commissioner to their three-member county commissions. Jefferson County will elect two members to its five-member commission. The residence of incumbent commissioners not up for election in 2010 will determine which magisterial districts will be filled. Commissioners serve in part-time positions. The salary is determined by county classification. (See page 22)

COUNTY CLERK

Term: 6 years
Residence: County
Filing Fee: See page 22
Age: 18 years
(W. Va. Const., Article 9-12)

CIRCUIT CLERK

Term: 6 years
Residence: County
Filing Fee: See page 22
Age: 18 years
(W.Va. Const., Article 8-9)

Each county will elect a county clerk and a circuit clerk who fill important roles in managing records of the county commission and the circuit court, and in conducting elections. See page 22 for county classifications and filing fees.

COUNTY OFFICES

BOARD OF EDUCATION

Term:	4 years
Filing Fee:	\$25
Residence:	In open magisterial district
Age:	18 years
Other:	High school diploma or GED; Training required prior to taking office. (W. Va. Code §18-5-1a)

All 55 county school systems are governed by a five-member non-partisan 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, 2010 will govern which magisterial districts have openings. New terms begin July 1, 2010.

The three eligible candidates receiving the highest number of votes are elected to the full terms. If there is an unexpired term to be filled, the candidate receiving the next highest number of votes is elected to the position, provided there is no magisterial district limitation. (W. Va. Code §§3-5-6, 18-5-1 and 18-5-1b)

Members are paid at a rate not to exceed \$160 per meeting, and may not be paid for more than 50 meetings per fiscal year (W. Va. Code §18-5-4(e)).

GREATER HUNTINGTON PARK & RECREATION DISTRICT

Term:	6 years	Minimum Age:	n/a
Salary:	n/a	Residence:	Must reside in district in which they are elected
Filing Fee:	\$10.00		

Five commissioners will be elected from the county of Cabell in 2010.

COUNTY OFFICES

CONSERVATION DISTRICT SUPERVISOR

Term:	4 years	Minimum Age:	n/a
Salary:	n/a	Requirements:	Landowner in district; education or experience in conservation.
Filing Fee:	\$10.00		

At least two supervisors will be elected in each county within the fourteen conservation districts in West Virginia. The term of office for the candidate receiving the highest number of votes in the general election of 2008 was four years and the term of office for the candidate receiving the second highest number of votes was for two years. Thereafter, all terms will be four years. (In counties where more than two supervisors are elected, the two candidates receiving the highest number of votes were elected for four years and the remaining candidate or candidates were elected for two years.) Beginning in 2010, supervisors are elected in the primary. Terms are staggered every two years. (W. Va. Code §19-21A-6)

WEST VIRGINIA CONSERVATION DISTRICTS

DISTRICT	COUNTIES	# OF SUPERVISORS
Capitol	Kanawha	5
Eastern Panhandle	Berkeley, Jefferson, Morgan	6
Elk	Braxton, Clay, Nicholas, Webster	8
Greenbrier Valley	Greenbrier, Monroe, Pocahontas	6
Guyan	Boone, Cabell, Lincoln, Logan, Mingo Wayne	12
Little Kanawha	Calhoun, Ritchie, Roane, Wirt, Wood	10
Monongahela	Marion, Monongalia, Preston	6
Northern Panhandle	Brooke, Hancock, Marshall, Ohio	8
Potomac Valley	Grant, Hampshire, Hardy, Mineral, Pendleton	10
Southern	Fayette, McDowell, Mercer, Raleigh, Summers Wyoming	12
Tygart Valley	Barbour, Randolph, Taylor, Tucker, Upshur	10
Upper Ohio	Pleasants, Tyler, Wetzel	6
West Fork	Doddridge, Gilmer, Harrison, Lewis	8
Western	Jackson, Mason, Putnam	6

For any questions regarding this position, contact the West Virginia Conservation Agency at (304) 558-2204 or www.wvca.us.

SALARIES & FILING FEES FOR COUNTY OFFICES

Salaries & Filing Fees for Full or Unexpired Terms of County Offices
Based on W. Va. Code §7-7-4

Office	Class I Salary/ Fee	Class II Salary/ Fee	Class III Salary/ Fee	Class IV Salary/ Fee	Class V Salary/ Fee	Class VI Salary/ Fee	Class VII Salary/ Fee	Class VIII Salary/ Fee	Class IX Salary/ Fee	Class X Salary/ Fee
County Comm.	\$36,960/ \$369.60	\$36,300/ \$363.00	\$35,640/ \$356.40	\$34,980/ \$349.80	\$34,320/ \$343.20	\$28,380/ \$283.80	\$27,720/ \$277.20	\$25,080/ \$250.80	\$24,420/ \$244.20	\$19,800/ \$198.00
Circuit Clerk	\$55,440/ \$554.40	\$54,780/ \$547.80	\$53,460/ \$534.60	\$53,154/ \$531.54	\$52,800/ \$528.00	\$49,500/ \$495.00	\$48,840/ \$488.40	\$48,180/ \$481.80	\$47,520/ \$475.20	\$42,240/ \$422.40
County Clerk	\$55,440/ \$554.40	\$54,780/ \$547.80	\$53,460/ \$534.60	\$53,154/ \$531.54	\$52,800/ \$528.00	\$49,500/ \$495.00	\$48,840/ \$488.40	\$48,180/ \$481.80	\$47,520/ \$475.20	\$42,240/ \$422.40
Pros. Attorney *	\$96,600/ \$966.00	\$94,400/ \$944.00	\$92,200/ \$922.00	\$90,000/ \$900.00	\$87,800/ \$878.00	\$59,400/ \$594.00	\$56,760/ \$567.60	\$54,120/ \$541.20	\$50,160/ \$501.60	\$46,200/ \$462.00
Sheriff	\$44,880/ \$448.80	\$44,220/ \$442.20	\$43,890/ \$438.90	\$43,560/ \$435.60	\$43,230/ \$432.30	\$42,900/ \$429.00	\$42,570/ \$425.70	\$42,240/ \$422.40	\$41,910/ \$419.10	\$38,280/ \$382.80
Assessor	\$44,880/ \$448.80	\$44,220/ \$442.20	\$43,890/ \$438.90	\$43,560/ \$435.60	\$43,230/ \$432.30	\$42,900/ \$429.00	\$42,570/ \$425.70	\$42,240/ \$422.40	\$41,910/ \$419.10	\$38,280/ \$382.80
Counties	Berkeley Cabell Harrison Jefferson Kanawha Marion Monongalia Ohio Putnam Raleigh Wood	Boone Greenbrier Hampshire Marshall Mason Mercer	Fayette Hancock Jackson Logan Mineral Mingo Morgan Nicholas Preston Randolph Wayne	Brooke Grant Hardy Lewis McDowell Pocahontas Upshur Wetzel Wyoming	Pleasants	Braxton Lincoln Taylor Tucker	Doddridge Pendleton Ritchie Roane	Barbour Clay Gilmer Monroe Summers Tyler Webster	Calhoun	Wirt

County classification is based on property valuations according to W. Va. Code §7-7-3. However, the salary schedule to be applied to the classification is determined by county revenue under §7-7-4. Filing fees are 1% of the salary in effect for the new term of office at the time of filing. (W. Va. Code §3-5-8)
*Prosecuting attorneys in Classes VI, VII, VIII, IX and X who are full-time receive Class V salary.

PARTY EXECUTIVE COMMITTEES

(W. Va. Code §3-1-9)

Executive Committee members are elected in the primary for four year terms.

STATE EXECUTIVE COMMITTEE

Members elected from: Senatorial Districts
Number elected: 2 women, 2 men per district
File with: District 8 & 17 – County Clerk; all others – Secretary of State
Filing fee: \$20
Special limitations: Maximum 2 elected from any county in district

DISTRICT EXECUTIVE COMMITTEE: For Congressional and Multi-County Senatorial and Delegate Districts

Members elected from: Each county in multi-county district
Number elected: 1 woman, 1 man for each county in district
File with: County Clerk
Filing fee: \$5
Districts: District executive committees not elected for single-county senatorial districts or for single-county delegate districts. County executive committee performs district committee functions.

COUNTY EXECUTIVE COMMITTEE

Members elected from: Magisterial or Executive Committee Districts (check with county)
Number elected: If 3 districts, 2 men & 2 women per district
If more than 3 districts, 1 man & 1 woman per district
File with: County Clerk
Filing fee: \$10

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 of each year. Any appointments to fill vacancies on an executive committee do not take affect if the updated listing of committee members has not been submitted to the Secretary of State.

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, who together 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 W. Va. 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 PRECANDIDACY

Any candidate who wishes to raise or spend money for his/her campaign before the official candidate filing period must first file a Precandidacy Registration Form (F-1) with the municipal clerk/recorder.

FILING THE MUNICIPAL CERTIFICATE OF ANNOUNCEMENT

The Municipal Candidate's Certificate of Announcement (Form C-1MUNI) and Municipal Write-in Candidate's Certificate of Announcement (Form C-7MUNI) 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 member of its governing body. (W. Va. 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, 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.

KEEPING COMMITTEE 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 purpose or by any officers or members of the committee or any person acting under its authority or its behalf.*” (W.Va. State Code §3-8-5)

KEEPING RECORDS FOR 6 MONTHS

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.*” (W.Va. State 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. (W.Va. State Code §3-8-7) If any violation of code is found, the committee may be held accountable for transactions for up to 5 years. (W.Va. State Code §3-8-5d) Therefore, it is highly recommended that receipts be kept for the entire 5-year period.

FINANCIAL RESPONSIBILITY

The treasurer of the committee is responsible for the committee’s finances. All reporting requirements and financial transactions must be done 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 acceptable 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, including corrections. 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 “shall mean a gift subscription, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether or not conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate.” (W. Va. Code §3-8-1a)

CONTRIBUTION LIMITATIONS

The contribution amounts that an individual may give to any political committee are set by W. Va. 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. Excess contributions must be returned to the contributor. All items of value (cash and in-kind contributions) given to a committee are counted toward this limitation of \$1,000. A candidate may contribute as much as they desire to their own campaign; however, they cannot be reimbursed unless it is treated as a loan rather than a contribution.

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 and until the committee has paid all of its financial obligations after the general election have occurred.

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.

PAC ELECTION CYCLES

The primary election contribution period for a PAC begins on the last Saturday in March in a non-election year and extends to, and includes, the day of the primary election. The general election contribution period begins on the day after the primary election and extends until the day before the last Saturday in March in the next non-election year.

§527 ELECTION CYCLES

The election cycle for an Internal Revenue Code §527 organization begins on the day after the general election and continues to the day of the primary for the next election. The general election cycle would then begin after the primary election and continue to the general election of that year.

POLITICAL CONTRIBUTIONS

ACCEPTABLE CONTRIBUTION TYPES

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.

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

POLITICAL CONTRIBUTIONS

FUND-RAISING EVENTS

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.*” (W.Va. State Code §3-8-1a(15))

A committee may pay for food, drink and entertainment costs that are incurred in holding a fundraising event. The committee must be careful in determining the methodology of the fundraising event to be certain that personal gifts are not given to attendees from committee funds.

Transactions at fund-raising events are to be reported separately from other committee transactions. A “Net Receipt of Funds” for the fundraising event must be accounted for, showing the total amount of money raised after expenses are considered. (W. Va. Code §3-8-1a)

ANONYMOUS CONTRIBUTIONS

Anonymous contributions are illegal. “Passing the hat” at a meet-the-candidate dinner or other type of fundraising event is used to bring in contributions anonymously. 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. Send an amount equal to the anonymous contribution to the address at right. (W.Va. Code §3-8-12)

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 returned to the General Revenue Fund of the State. All contribution amounts above \$50 must be by means other than cash. (W.Va. Code §3-8-5a)

REPORTING REQUIREMENTS

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. See page 36 for more details.

CAMPAIGN FINANCE REPORTING SYSTEM ON-LINE



The Secretary of State's Office is proud to offer the Campaign Finance Reporting System On-line (CFRS). The system will record, sort, and store the committee's finances as the election cycle progresses and allow you to submit your campaign finance reports online. The CFRS online system will make the last minute paperwork of the committee disappear. If all financial transactions are put in the CFRS as they are received, the reporting period deadlines will come and go without any extra effort. The Campaign Finance Reporting System will not allow errors that may frequently occur and will correct many unnecessary mistakes that may be overlooked.

Submitting reports on-line will eliminate errors in math, transferring of balances between reports, and entering information in the incorrect area of the report. At the touch of a button, you can file your report with the Secretary of State's Office, no longer leaving your committee wondering if they filed your report timely and accurately. An email including a copy of the filed report will be sent to the treasurer as confirmation of receipt.

As of the 2008 primary election, all Constitutional officers must file their financial statements via the CFRS. Increased use of technology by those who are enrolled in the CFRS makes this reporting system the easiest and the most accurate means for filing committee's finances.

To enroll your committee in the CFRS, fill out the Form F-2 Authorization to Use the CFRS On-line. A username and password will be sent to the email given on the enrollment form.

For Information on Campaign Finance Reporting go to:

www.wvsos.com

EXPENDITURES OF FUNDS

SPENDING MONEY

The committee has now raised money (contributions, transfers of money, 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 W. Va. Code §3-8-9 or W. Va. Code of State Rules §146-3-6. This is to ensure that the funds are spent on electioneering purposes only, without exception. These expenditures are listed on page 31.

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
- The amount of the expenditure

Things to remember about spending money...

- All expenditures must be reported. Detailed accounts of all expenditures, disbursements made and liabilities incurred must be reported
- Money spent out-of-pocket on the election must be reported as an expenditure. If money is spent on behalf of a candidate, and is not reimbursed by the committee, it must be reported as an in-kind contribution, and is subject to contribution limitations
- Active candidate's committee (before the election date of the candidate) cannot give donations to other candidate's committees or Political Action Committees. This activity is not allowed by W. Va. Code §3-8-9
- 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 transfer of funds takes place.

ALLOWABLE EXPENDITURES

(W. Va. Code §3-8-9)

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

- Office expenses and overhead cost for headquarters
- 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 advertisements for the promotion of the candidate on the ballot
- For costs related to public meetings and political conventions such as food, drink, and entertainment
- For the necessary traveling and hotel expenses and for costs related to postage
- For costs incurred with petitions for nomination of candidates
- For lists of registered voters, investigating an individual's right to vote and conducting proceedings to prevent unlawful registration or voting
- For taking voters to the polls
- For securing publication in newspapers and by radio and television broadcasting of information that is relevant to an election
- For conducting a public opinion poll or polls
- For legitimate advertising agency services covered in this section
- For the purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party
- For the purchase of nominal, noncash expressions of appreciation following the close of the polls of an election or within thirty days
- For the payment of dues or subscriptions to any national, state or local committee of any political party
- For contributions to a county party executive committee, state party executive committee or a state party legislative caucus political committee
- For contributions to a candidate committee. However, a candidate committee may not give a contribution to other candidates' committees unless it is done with excess funds, as authorized by West Virginia Code §3-8-10.

POLITICAL DISCLAIMERS

“No anonymous political advertisement may be made to influence the election or defeat a clearly identified candidate.” (W. Va. Code §3-8-12)

POLITICAL ADVERTISEMENTS

No anonymous political advertisements may be created or published expressly advocating the election or defeat of a candidate. Any political advertisement that identifies the person who is responsible for the content will not be considered anonymous. This includes communications without payment for distribution such as e-mail.

PAID POLITICAL ADVERTISEMENTS

All paid political advertisements must have a disclaimer clarifying who paid for the advertising. If an advertisement has the disclaimer stating, “Paid for by (committee name)” in a visible and clear manner, you will not be in violation of the disclaimer provision.

INDEPENDENT EXPENDITURES

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

ELECTIONEERING COMMUNICATIONS

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

SOLICITATION OF FUNDS

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. (W. Va. CSR §146-3-10.7)

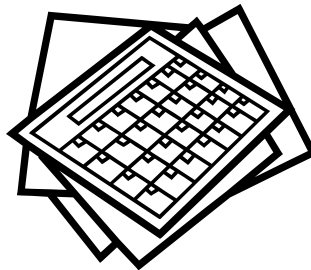
CAMPAIGN FINANCE REPORTING

(WV Code §3-8-5)

Every candidate, pre-candidate and elected official is required to file campaign finance reports until the committee is closed (*see page 39 for more information on closing a committee*). Candidates running for or elected to executive committee positions are not required to file campaign finance statements.

Election Year 2010 Campaign Finance Reporting Schedule

<u>Reports Required</u>	<u>Reporting period covered</u>	<u>Report due</u>
2010 Annual	Apr 4, 2009 - Mar 26, 2010	Mar 27, 2010 – Apr 2, 2010
First Primary Report	Apr 4, 2009 - Mar 26, 2010	Mar 27, 2010 – Apr 2, 2010
Pre-Primary	Mar 27, 2010 - Apr 25, 2010	Apr 26, 2010 – Apr 30, 2010
Post-Primary	Apr 26, 2010 – May 23, 2010	May 24, 2010 – Jun. 23, 2010
First General Report	May 24, 2010 - Sep 19, 2010	Sep 20, 2010 - Sep 24, 2010
Pre-General	Sep 20, 2010 - Oct 17, 2010	Oct 18, 2010 - Oct 22, 2010
Post-General	Oct 18, 2010 - Nov 14, 2010	Nov 15, 2010 - Dec 15, 2010
2011 Annual	Nov 20, 2010 - Mar 25, 2011	Mar 26, 2011 – Apr 1, 2011



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 reporting requirements of liabilities of a committee.

LOANS

A candidate, spouse of a candidate or a lending institution may give a loan to the candidate's committee. A PAC or executive committee may not take a loan. When a candidate committee takes a loan, it 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), and description of collateral and full names and addresses of all persons involved in the loan.

If a loan is to be forgiven by a candidate to the committee, the loan should then be considered as a contribution from the candidate to the candidate's committee. To report the forgiving of a loan, the amount of the loan will be reported as a contribution to the committee from the candidate and the loan will be paid for, indicating that the committee no longer carries the liability.

UNPAID BILLS

All liabilities incurred by a committee must be reported. This includes all bills, or promises of payment that have been left unpaid at the end of the reporting period. A listing of unpaid bills will ensure that the committee does not ever have a negative ending cash balance, but still shows 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. Any third party expenditure must be reported on the form F-10 (Advertising Agency Financial Statement). All disbursements of funds must be disclosed and tracked to its final recipient and are subject to West Virginia campaign finance laws.

THE FINANCE STATEMENT

DETERMINING WHAT FORM TO USE

There are a few questions that you may ask the committee that will help you determine which campaign finance form to use. If your answer to any of the following questions is YES, you must file a **Long Form Financial Statement** (Form F-7):

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

After filling out the contact information for your committee and treasurer on the Campaign Financial Statement, you must also note the reporting period for your financial statement. The reporting period you are filing for will depend on where you are in the applicable election cycle.

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

REPORT TYPES

An Annual report is a report that is due annually, during off election years. When marking this report, you must also fill in the election year for which you are reporting.

An Amended report is filed to replace a previously submitted report. An amended report is generally filed to correct information filed in a previous report. Both the amended report box and the reporting period that will be amended must be clearly marked.

If you are filing a Final report to close your account, the final report box on page one must be marked. If the report is submitted during a required reporting period, the reporting period must also be noted. Your ending balance must be zero if you are filing a final report. Final reports may be filed at any time.

CONTRIBUTION REPORTING REQUIREMENTS

REPORTING CONTRIBUTIONS \$250 OR LESS

On page 2 of the Campaign Financial Statement Long Form you must report the contributions that your committee has received that are \$250 or less. The required information from each contributor, as stated in W.Va. State Code §3-8-5a includes “...*the first name, middle initial, if any, and the last name of the person contributing, along with the date of the contribution and the amount that was given.*” If the contributor is an association or committee, you must include the full name of the association or committee, along with the date of the contribution and the amount that was given.

After recording contributions that are \$250 or less, you must then calculate the total of all the contributions and place the total at the bottom of the column.

REPORTING CONTRIBUTIONS OVER \$250

All contributions of more than \$250 require additional reporting requirements. These contributors must list the following information when they reach an accumulated total of more than \$250 in contributions to a committee. The additional information includes the address, contributor’s job, where the contributor works, or the affiliation of the political committee if it is not an individual contributor.

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

Where contributor works - This is the contributor’s primary employer. If the contributor is self-employed it should be noted on the form. If the contributor is a homemaker or retired, write “not applicable” on the form.

Affiliation - The business that the PAC is sponsored by if the donation comes from a business-affiliated PAC.

REPORTING A FUND-RAISING EVENT

Page 4 of the Campaign Financial Statement is used to summarize a **Fund-raising Event**. The information required for contributors at the event mirrors the requirements outlined above. These contributors are to be listed only on the Fund-raiser page of the financial statement.

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

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

Net Receipts - This will be the total amount of funds accumulated in relation to the fund-raiser minus all committee expenses.

CONTRIBUTION REPORTING REQUIREMENTS

An “in-kind” contribution is a donation of goods or services used toward the campaign that can be assigned a monetary value.

Total In-Kind Contributions - The total amount of In-Kind contributions given in relation to the fund-raiser. These In-Kind contributions are to be itemized on page 5 of the financial statement. The Total Monetary Contributions from all Fund-raising events are to be totaled together and transferred to the report summary on page 1 of the report.

REPORTING OTHER INCOME AND IN-KIND CONTRIBUTIONS

If the committee receives “other income” or an in-kind contribution, the Long Form must be used to report the committee finances. On page 5 of the Long Form, the committee will report the **Other Income** received that is not described as a contribution. Some sources of other income could be interest on bank accounts, returned checks or sale of equipment. Information needed for the Other Income category is the date of the receipt, source of the income, the type of receipt (brief description), and the amount of the transaction.

Also on this page the committee is to report all **In-kind Contributions** during the reporting period. The committee should include the name, date of the transaction, and additional occupation information of the contributor if the amount is over \$250 (occupation, employer, and affiliation if it is a PAC as previously noted.), and amount of the contribution. The amount of an in-kind contribution should be reported at the fair market value of the goods received or services rendered.

REPORTING LOANS

On page 6 of the Campaign Financial Statement you must report all loans taken by the committee. If a loan is taken, all the information on page 6 of the report must be completed, and a copy of the loan agreement must accompany the same financial statement. Information to be reported on outstanding loans includes:

- The name and address of the candidate
- The name and address of the person or institution 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

THE WAIVER/EARLY OR LATE REPORTS

(WV Code §3-8-5)

A waiver may be filed in place of the Annual, First Primary and the First General Report if the committee meets certain criteria.

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 bills or loans to report.

Any activity that is not reported by submitting a waiver must be shown in the next reporting period.

EARLY AND LATE REPORTS

Campaign finance filings are “separated” into periods. First is the reporting period where you should track all contributions and expenditures within a certain time period. Second is the Filing Period which is the time period when your report is actually due. For example, the First Primary report should contain all contributions and expenditures that have occurred from April 4, 2009 through and including March 26, 2010. This report can then be filed beginning on March 27, 2010 and continuing through April 2, 2010. The report may not be filed prior to the end of the Reporting Period (March 26, 2010) to ensure that all activity that has taken place within that period will be reported.

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. Likewise, 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.

Our office will be tracking the timely filing of reports to ensure that all political committees are fully transparent and in compliance with West Virginia’s election laws. If your committee submits a late report, you may be subject to a fine issued by the Secretary of State of \$25 per day. 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.

AFTER THE ELECTION

The moment a candidate is no longer a candidate for office, all funds above what is needed to pay the bills of the election are considered to be **Excess Campaign Funds**, and must be handled differently than pre-election funds.

After a candidate withdraws from an election, loses in a primary, loses in a general election or wins the election, the funds in possession of the committee that amount to more than the liabilities incurred for the election are considered “**Excess Campaign Funds**”. It is important to understand the timing and uses of these funds. (W. Va. CSR§146-3-7)

ALLOWABLE USES OF EXCESS CAMPAIGN FUNDS

The following are the **only** allowable expenditures of excess campaign funds:

Transfer of funds from a candidate’s committee to the same candidate’s committee for a subsequent election year. (A new committee must be formed or a Pre-Candidacy Statement filed 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;

Contribution to the state political party executive committee or state caucus. The limit on this contribution is \$15,000;

Return of the contributions on a pro rata basis to each contributor;

Transferred to any national, state or local committee of any political party. The limit on these contributions is \$1,000;

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 (no limitation on amount).

HOW TO CLOSE THE 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, you 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.

POLITICAL ACTION COMMITTEES

A Political Action Committee or “PAC” means, “A committee organized by one or more persons for the purpose of supporting or opposing the nomination or election of one or more candidates.” (W. Va. Code §3-8-1a)

WHO NEEDS TO REGISTER AS A PAC?

There are a few criteria that must be met before a group may file as a PAC. These criteria determine who may contribute money to the organization and on whom the group can spend money. To determine if you should register as a PAC, there are a few questions that must be answered:

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

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

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

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

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

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

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

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

FILLING OUT THE STATEMENT OF ORGANIZATION

To register as a West Virginia Political Action Committee (PAC) or to make changes to the information for a currently registered Committee, you must file a Form F-4 Statement of Organization and note either “Original Form” or “Amended Form”, as the case may be. You are required to provide your Committee name as you would like it to be addressed, Chairperson’s contact information, Treasurer’s contact information, and type of Affiliation to the PAC. See below for an explanation of PAC Affiliation:

Membership Organization: means a group that grants rights and privileges, such as the right to vote, to elect officers or directors and the ability to hold office, to its members and which uses a majority of its membership dues for purposes other than political purposes;

Corporate PAC: means a PAC that is a separate, segregated fund of a corporation that may only accept contributions from its restricted group;

Unaffiliated PAC or Executive Committee: means a PAC that is not affiliated with a corporation or a membership organization. Executive Committees are political committees whose members are elected every four years in the primary election.

POLITICAL ACTION COMMITTEES

Corporate political activity forbidden...

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

CORPORATE PACS (W. Va. Code §3-8-8 and W. Va. CSR §146-1)

Although corporate political activity is not permitted, a corporation may set up a “separate segregated fund” to solicit funds for political activity. This fund would be considered the Corporate PAC of the affiliate corporation. This type of committee will be regulated by the same reporting deadlines and disclosure requirements as any other PAC. However this corporate PAC does have certain contribution solicitation rules to abide by in addition to the regulations of a non-corporate PAC.

It is unlawful for...

- A corporate PAC to receive a contribution from any person other than “*its stockholders and their immediate families and its executive or administrative personnel and their immediate families.*” The corporations’ restricted group is defined further in W. Va. CSR 146-1.
- A corporation to give money or anything of value belonging to the corporation to the corporation’s PAC unless described in W.Va. Code of State Rules §146-1-4.4.
- Funds to the PAC to be solicited by the threat of job discrimination, financial reprisal or physical force or using funds gained by a commercial transaction.
- Any person soliciting a contribution at the time of the solicitation to fail to inform those being solicited of their right not to contribute without reprisal.
- A contribution guideline to be enforced by direct or indirect means. A guideline may be suggested.
- The person soliciting the funds to fail to tell the person solicited what the political purposes of the PAC are at the time of the solicitation.
- A corporation to be prevented from utilizing a payroll deduction plan, check-off system or other plan that deducts contributions from dividend or payroll checks.

INDEPENDENT EXPENDITURES

“Independent expenditure means an expenditure made by a person other than a candidate or a candidate's committee in support of or opposition to the nomination or election of one or more clearly identified candidates and without consultation or coordination with or at the request or suggestion of the candidate whose nomination or election the expenditure supports or opposes or the candidate's agent. Supporting or opposing the election of a clearly identified candidate includes supporting or opposing the candidates of a political party. An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.” (W. Va. Code §3-8-1a(14))

Any individual, PAC or executive committee may make an “independent expenditure” in an attempt to influence the election or defeat of a candidate for office. This expenditure must be made without the consultation or coordination of the candidate or candidate’s committee to be considered independent. If the expenditure is made in consultation or coordination with the candidate or candidate’s committee, the expenditure will be considered an in-kind contribution to the candidate’s committee and will be limited to the \$1,000 contribution limits.

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

In addition to reports due during regular reporting periods, any individual or organization who makes an independent expenditure of \$1,000 or more in multi-county races or \$500 or more in single county races within 15 days to 12 hours prior to an election must provide an itemized report of these expenditures within 24 hours to the Secretary of State. This report may be hand delivered, or faxed to ensure timely delivery. If the report is sent via fax, be sure to contact the Secretary of State’s Office to verify delivery of the document(s).

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

All independent expenditure reports will be posted on the Secretary of State’s website at www.wvsos.com.

INAUGURAL COMMITTEES

(W. Va. Code §3-8-2a and CSR §146-3-4)

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

Contributions given to an inaugural committee are regulated differently than those given to other political committees. Donors may include individuals, organizations and corporations with a contribution limitation of \$5,000. Contributions can not 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 be listed, as well.

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.

All contributions received by the inaugural committee are to be reported within **90 days of the event** on Form F-7I. Every expenditure made up to this date must also be included in this report. **Within 60 days of filing the previous report**, all funds must be lawfully disbursed and a final report (Form F-7I: final) must be filed, closing the committee.

§527 ACTIVITY IN WEST VIRGINIA

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

An exempt function of an IRC §527 organization includes influencing the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization.

WEST VIRGINIA REQUIREMENTS OF A §527 ORGANIZATION (W. Va. Code §3-8-12)

After checking with the IRS regarding the status of your political organization and if you are considered within the definitions of §527, you may be subject to the regulations of West Virginia Code. Any §527 political organization that attempts to influence the selection, nomination, election or appointment of a candidate for state, county or local office is regulated by West Virginia Code.

Before any §527 tax-exempt political organization solicits or accepts any contributions in the state of West Virginia, they must first file an F-4 Statement of Organization with the West Virginia Secretary of State’s Office. This statement must include the organization’s name, contact information, and the purpose of the organization as it is stated on their IRS Form 8871.

Once this information has been received, the organization may solicit and receive contributions in the state of West Virginia. Contribution limits of \$1,000 per person, per election still apply. When any organization spends a total of \$5,000 or more on the costs of **electioneering communications** in the state of West Virginia during a calendar year, it must file a disclosure statement listing all contributors of \$1,000 or more from the preceding calendar year to the disclosure date of the communication. For more information on electioneering communications and disclosure requirements, refer to W. Va. Code §§3-8-1a and 3-8-2b or visit our website at www.wvsos.com.

All electioneering communication reports filed with the Secretary of State Office will be posted on our website at: www.wvsos.com.

2010 CANDIDATE & PAC KEY 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 by 12:00 midnight, Jan. 30. (§3-5-7)
- Jan. 21 – Feb. 10** Candidates file personal financial disclosure with Ethics Commission. (within 10 days after filing certificate of announcement) (§6B-2-6 (b))
- Feb. 16** Deadline for candidates to withdraw. (Filing officer must receive written notice signed by candidate and notarized by deadline or name may not be removed from ballot.) (§3-5-11)
- Feb. 16** Secretary of State Certifies and Posts List of Candidates filed with the Secretary of State's Office. (§3-5-9)
- Feb. 23** Uniform drawing date. (drawing for candidate ballot position begins at 9 a.m. in all counties for all offices) (§3-5-13a)
- Mar 2** Secretary of State certifies candidates to County Clerk. (§3-5-9)
- Mar 27- Apr 2** First Primary campaign finance report due: All candidates, committees, consultants and those making independent expenditures file reports with proper office. (Federal candidates must follow FEC schedule & file with FEC) (§3-8-5)
- Mar 30** Write-in candidate filing deadline for primary (Board of Education and Executive Committee) (§3-6-4a)
- Apr 13** Last day for PACs to file statement of organization. (§146-1-5.1.1)
- Apr 20** Last day to register to vote in Primary. (§3-2-6)
- Apr 21 - May 8** Early Voting in person period. (§3-3-3)
- Apr 26 – Apr 30** Pre-Primary campaign finance report filing period. Reports of all candidates, committees, active consultants, and independent expenditures even if no changes since last report. (Federal candidates must follow FEC schedule & file with FEC) (§3-8-5)
- Apr 26 - May 10** "Last minute" independent expenditures reported to appropriate office. (§3-8-2)
- May 11** PRIMARY ELECTION DAY (W. Va. Const. §4-7)
- May 14** Primary election canvass begins on Friday after election and continues from day to day until election results declared. (§3-5-17)
*If no candidate requests recount, county commission certifies election results after 48-hour period.
*Election contest must be filed within 10 days after certification of election.

2010 CANDIDATE & PAC KEY DATES

May 24 – Jun 23	Post-Primary campaign finance report filing period; all file, even if no changes since last report. (§3-8-5) (Federal candidates must follow FEC schedule & file with FEC)
Jul 10	Failure to file campaign finance statements reported to prosecuting attorneys. (§3-8-7)
Jul 1	Board of Education and Executive Committee terms begin. (§18-5-1b)
Jul 30	Deadline for Minor Party and Independent candidates to file Nominating Petitions, Certificate of Announcements and Pay Filing Fee. (§3-5-23)
Aug 18 – Aug 24	Secretary of State certifies names. (§§3-5-19 & 3-6-2)
Aug 24	Drawing for order of candidate names on ballot. (§3-6-2)
Sep 20 – Sep 24	First General campaign finance reports due. (§3-8-5)
Sep 21	Write-in candidate filing deadline for general election. (§3-6-4a)
Oct 5	Last day for candidate or political committee to file statement of organization and designation of treasurer or financial agent. (§146-1-5.1.1)
Oct 12	Voter registration deadline for general election. (§3-2-6)
Oct 13 – Oct 30	Early voting in person period. (§3-3-3)
Oct 18 – Oct 22	Pre-General campaign finance report due. (§3-8-5)
Nov 2	GENERAL ELECTION (W. Va. Const. §4-7)
Nov 8	General election canvass begins on fifth day after election and continues from day to day until election results declared. (§3-6-9) *If no candidate requests recount, county commission certifies election results after 48-hour period. *Election contest must be filed within 10 days of certification of election.
Nov 15 – Dec 15	Post-General campaign finance report due. (§3-8-5)
Jan 1, 2011	Secretary of State and clerk of county commission give notice to prosecuting attorney of any failure of candidates, agents or treasurers to file required financial statements. (§3-8-7)

NOTES

NOTES

NEED TO KNOW MORE?

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 1225 New York Avenue NW, Suite 1100 Washington, DC 20005 (866) 747-1471 www.eac.gov or HAVAinfo@eac.gov	Serves as a national clearinghouse for information and reviews procedures for federal elections.
Election Division WV Secretary of State, Building 1, Room 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 and reporting requirements, report forms, official elections returns for statewide and legislative offices.
State Election Commission c/o WV Secretary of State Building 1, Room 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 withdraws for extenuating circumstances.
WV Ethics Commission 210 Books Street, Suite 3 Charleston, WV 25301 (304) 558-0664 www.wvethicscommission.org	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 # 5 Greenbrier Street Charleston, WV 25311 (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) 372-3945 www.mtparty.org	Information on Mountain Party political activities, functions of executive committees and party rules.

**The Office of the Secretary of State
and the
West Virginia State Election Commission
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Charleston, WV 25305-0770
Toll free: 1-866-SOS-VOTE (1-866-767-8683)
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