

2007 MAR 28 PM 2: 38

OFFICE WEST VIRGINIA SECRETARY OF STATE

## **WEST VIRGINIA LEGISLATURE**

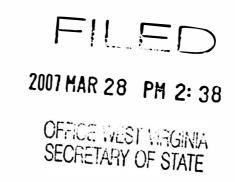
SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2007

## **ENROLLED**

Senate Bill No. 618

(By Senators Kessler, Edgell, Minard and Hunter)

[Passed March 6, 2007; in effect ninety days from passage.]



## ENROLLED Senate Bill No. 618

(By Senators Kessler, Edgell, Minard and Hunter)

[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to filing requirements for write-in candidates; and requiring a certificate of announcement to be filed no later than forty-two days before an election.

Be it enacted by the Legislature of West Virginia:

That §3-6-4a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-4a. Filing requirements for write-in candidates.

- Any eligible person who seeks to be elected by write-
- 2 in votes to an office, except delegate to national
- 3 convention, which is to be filled in a primary, general or

- special election held under the provisions of this chapter, shall file a write-in candidate's certificate of announcement as provided in this section. No certificate of announcement may be accepted and no person may be certified as a write-in candidate for a political party nomination for any office or for election
- 10 as delegate to national convention.
- 11 (a) The write-in candidate's certificate of 12 announcement shall be in a form prescribed by the 13 Secretary of State on which the candidate shall make a 14 sworn statement before a notary public or other officer 15 authorized to give oaths containing the following 16 information:
- 17 (1) The name of the office sought and the district and division, if any;
- 19 (2) The legal name of the candidate and the first and 20 last name by which the candidate may be identified in 21 seeking the office;
- 22 (3) The specific address designating the location at 23 which the candidate resides at the time of filing, 24 including number and street or rural route and box 25 number and city, state and zip code;
- 26 (4) A statement that the person filing the certificate of 27 announcement is a candidate for the office in good 28 faith; and
- 29 (5) The words "subscribed and sworn to before me this
  30 \_\_\_\_day of\_\_\_\_, \_\_\_" and a space for the
  31 signature of the officer giving the oath.
- 32 (b) The certificate of announcement shall be filed with 33 the filing officer for the political division of the office as 34 prescribed in section seven, article five of this chapter.
- 35 (c) The certificate of announcement shall be filed with 36 and received by the proper filing officer as follows:
- 37 (1) Except as provided in subdivisions (2) and (3) of

this subsection, the certificate of announcement for any office shall be received no later than the close of business on the forty-second day before the election at which the office is to be filled;

- (2) When a vacancy occurs in the nomination of candidates for an office on the ballot resulting from the death of the nominee or from the disqualification or removal of a nominee from the ballot by a court of competent jurisdiction not earlier than the twenty-first day nor later than the fifth day before the general election, the certificate shall be received no later than the close of business on the fifth day before the election or the close of business on the day following the occurrence of the vacancy, whichever is later;
- (3) When a vacancy occurs in an elective office which would not otherwise appear on the ballot in the election, but which creates an unexpired term of one or more years which, according to the provisions of this chapter, is to be filled by election in the next ensuing election and the vacancy occurs no earlier than the twenty-first day and no later than the fifth day before the general election, the certificate shall be received no later than the close of business on the fifth day before the election or the close of business on the day following the occurrence of the vacancy, whichever is later.
- (d) Any eligible person who files a completed write-in candidate's certificate of announcement with the proper filing officer within the required time shall be certified by that filing officer as an official write-in candidate:
- (1) The Secretary of State shall, immediately following the filing deadline, post the names of all official writein candidates for offices on the ballot in more than one county and certify the name of each official write-in candidate to the clerks of the county commissions of the appropriate counties.
- 73 (2) The clerk of the county commission shall, 74 immediately following the filing deadline, post the 75 names of all official write-in candidates for offices on

- the ballot in one county and certify and deliver to the
   election officials of the appropriate precincts, the names
- 78 of all official write-in candidates and the office sought
- 79 by each for statewide, district and county offices on the
- 80 ballot in the precinct for which valid write-in votes will
- be counted and the names shall be posted at the office
- where absentee voting is conducted and at the precincts
- 83 in accordance with section twenty, article one of this
- 84 chapter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  Chairman House Committee
Originated in the Senate.
In effect ninety days from passage.  Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates
The within as appubled this the St. Day of March 1, 2007.
Governor Governor

## PRESENTED TO THE GOVERNOR

MAR 2 0 2007

Time 4:07