

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012



ENROLLED

House Bill No. 4403

(By Delegates Miley, Manchin, Lawrence,
and Fleischauer)
[By Request of Secretary of State]



Passed March 9, 2012

To Take Effect Ninety Days From Passage

ENROLLED

H. B. 4403

(BY DELEGATES MILEY, MANCHIN, LAWRENCE
AND FLEISCHAUER)

[BY REQUEST OF SECRETARY OF STATE]

[Passed March 9, 2012; to take 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 changing the filing deadline for certified write-in candidates; and removing language that conflicts with other sections of the code relating to the filling of vacancies.

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.

1 Any eligible person who seeks to be elected by write-in
2 votes to an office, except delegate to national convention,
3 which is to be filled in a primary, general or special election
4 held under the provisions of this chapter, shall file a write-in
5 candidate's certificate of announcement as provided in this
6 section. No certificate of announcement may be accepted and

7 no person may be certified as a write-in candidate for a
8 political party nomination for any office or for election as
9 delegate to national convention.

10 (a) The write-in candidate's certificate of announcement
11 shall be in a form prescribed by the Secretary of State on
12 which the candidate shall make a sworn statement before a
13 notary public or other officer authorized to give oaths
14 containing the following information:

15 (1) The name of the office sought and the district and
16 division, if any;

17 (2) The legal name of the candidate and the first and last
18 name by which the candidate may be identified in seeking the
19 office;

20 (3) The specific address designating the location at which
21 the candidate resides at the time of filing, including number
22 and street or rural route and box number and city, state and
23 zip code;

24 (4) A statement that the person filing the certificate of
25 announcement is a candidate for the office in good faith; and

26 (5) The words "subscribed and sworn to before me this
27 _____ day of _____, ____" and a space for the
28 signature of the officer giving the oath.

29 (b) The certificate of announcement shall be filed with
30 the filing officer for the political division of the office as
31 prescribed in section seven, article five of this chapter.

32 (c) The certificate of announcement shall be filed with
33 and received by the proper filing officer as follows:

34 (1) Except as provided in subdivision (2) of this subsection,
35 the certificate of announcement for any office shall be received
36 no later than the close of business on the forty-ninth day before
37 the election at which the office is to be filled;

38 (2) When a vacancy occurs in the nomination of
39 candidates for an office on the ballot resulting from the death
40 of the nominee or from the disqualification or removal of a
41 nominee from the ballot by a court of competent jurisdiction
42 not earlier than the forty-eighth day nor later than the fifth
43 day before the general election, the certificate shall be
44 received no later than the close of business on the fifth day
45 before the election or the close of business on the day
46 following the occurrence of the vacancy, whichever is later.

47 (d) Any eligible person who files a completed write-in
48 candidate's certificate of announcement with the proper filing
49 officer within the required time shall be certified by that
50 filing officer as an official write-in candidate:

51 (1) The Secretary of State shall, immediately following
52 the filing deadline, post the names of all official write-in
53 candidates for offices on the ballot in more than one county
54 and certify the name of each official write-in candidate to the
55 clerks of the county commissions of the appropriate counties.

56 (2) The clerk of the county commission shall,
57 immediately following the filing deadline, post the names of
58 all official write-in candidates for offices on the ballot in one
59 county and certify and deliver to the election officials of the
60 appropriate precincts, the names of all official write-in
61 candidates and the office sought by each for statewide,
62 district and county offices on the ballot in the precinct for
63 which valid write-in votes will be counted and the names
64 shall be posted at the office where absentee voting is
65 conducted and at the precincts in accordance with section
66 twenty, article one of this chapter.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor