

E N G R O S S E D  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 553**

(By Senators Edgell, Fitzsimmons, Cookman, Yost and Beach)

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[Originating in the Committee on the Judiciary;  
reported February 19, 2014.]

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A BILL to amend and reenact §3-5-24 of the Code of West Virginia, 1931, as amended, relating to certificates of nomination for elected office; stating filing deadlines for certificates of nomination; declaring location where certificates of nomination must be filed; clarifying with whom the certificates are filed and to whom the fees are to be paid; prohibiting untimely filings or untimely fee payment; and clarifying that this section does not apply to nonpartisan elections.

*Be it enacted by the Legislature of West Virginia:*

That §3-5-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

**§3-5-24. Filing of nomination certificates; time; location; fees; effect of failure to timely file or pay fee.**

1 (a) All certificates nominating candidates for office under  
2 ~~the preceding section~~ twenty-three of this article shall be filed  
3 not later than August 1 preceding the November general  
4 election: *Provided*, That for municipal or other elections not  
5 held in conjunction with regular state and county general  
6 elections, certificates shall be filed not later than ninety days  
7 before the date of the election, unless otherwise provided by  
8 charter, ordinance or code.

9 (b) The nomination certificate required by this section  
10 and section twenty-three of this article shall be filed:

11 (1) In ~~in~~ the case of a candidate to be voted for by the  
12 voters of the entire state or by any subdivision of the state  
13 other than a single county, with the Secretary of State; ~~and in~~

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14       (2) In the case of all candidates for county and  
15 magisterial district offices, including all offices to be filled by  
16 the voters of a single county, with the clerk of the county  
17 commission; and

18       (3) In the case of candidates for election in a  
19 municipality, with the recorder or other official designated by  
20 charter or ordinance to perform election responsibilities, not  
21 later than August 1 preceding the general election.

22       ~~(b)~~ (c) Each candidate shall pay the filing fee required by  
23 section eight of this article, at the time of the filing of the  
24 nomination certificate.

25       (d) If any nomination certificate is not timely filed or if  
26 the filing fee is not timely paid, the certificate may not be  
27 received by the Secretary of State, ~~or by~~ the clerk of the  
28 county commission or the recorder or other official  
29 designated by charter or ordinance to perform municipal  
30 election responsibilities, as the case may be.

31       (e) This section is inapplicable to nonpartisan elections.