

Senate Bill No. 71

(By Senators Williams, Beach, Laird and Miller)

[Introduced January 14, 2015; referred to the Committee on the Judiciary.]

**FISCAL
NOTE**

9 A BILL to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to
10 elections; requiring write-in candidates for public office to pay filing fee for office sought;
11 and providing for distribution of fee in same manner as other candidates.

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

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

15 ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

16 §3-6-4a. Filing requirements for write-in candidates.

17 Any eligible person who seeks to be elected by write-in votes to an office, except delegate
18 to national convention, which is to be filled in a primary, general or special election held under the
19 provisions of this chapter, shall file a write-in candidate's certificate of announcement as provided
20 in this section. No certificate of announcement may be accepted and no person may be certified as
21 a write-in candidate for a political party nomination for any office or for election as delegate to
22 national convention.

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

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

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

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

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

11 (5) The words "subscribed and sworn to before me this _____ day of _____,
12 ____" and a space for the signature of the officer giving the oath; and

13 (6) A filing fee equal to twenty-five percent of the amount required by section eight, article
14 five of this chapter for the particular office sought by the write-in candidate. All fees collected from
15 write-in candidates shall be distributed in the same manner as provided by that section.

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

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

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

1 (2) When a vacancy occurs in the nomination of candidates for an office on the ballot
2 resulting from the death of the nominee or from the disqualification or removal of a nominee from
3 the ballot by a court of competent jurisdiction not earlier than the forty-eighth day nor later than the
4 fifth day before the general election, the certificate shall be received no later than the close of
5 business on the fifth day before the election or the close of business on the day following the
6 occurrence of the vacancy, whichever is later.

7 (d) Any eligible person who files a completed write-in candidate's certificate of
8 announcement with the proper filing officer within the required time shall be certified by that filing
9 officer as an official write-in candidate.

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

14 (2) The clerk of the county commission shall, immediately following the filing deadline, post
15 the names of all official write-in candidates for offices on the ballot in one county and certify and
16 deliver to the election officials of the appropriate precincts, the names of all official write-in
17 candidates and the office sought by each for statewide, district and county offices on the ballot in the
18 precinct for which valid write-in votes will be counted and the names shall be posted at the office
19 where absentee voting is conducted and at the precincts in accordance with section twenty, article
20 one of this chapter.

NOTE: The purpose of this bill is to require write-in candidates for public office to pay a filing fee for the office sought and that the distribution of the fee be in the same manner as other

candidates.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.