

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4381**

BY DELEGATES LANE, HAMILTON, CANTERBURY,  
GUTHRIE, CAMPBELL, HORNBUCKLE, SPONAUGLE,  
SKINNER, BYRD AND FLUHARTY

BY REQUEST OF THE SECRETARY OF STATE

[INTRODUCED FEBRUARY 3, 2016; REFERRED  
TO THE COMMITTEE ON THE JUDICIARY.]

1 A BILL to amend and reenact §3-5-8 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §3-8-5b of this code, all relating to where candidates filing fees are  
3 paid, apportionment of candidate filing fees to counties and where campaign finance  
4 statements are filed.

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

1 That §3-5-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted;  
2 and that §3-8-5b of this code be amended and reenacted, all to read as follows:

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

### **§3-5-8. Filing fees and their disposition.**

1 (a) Every person who becomes a candidate for nomination for or election to office in any  
2 primary election shall, at the time of filing the certificate of announcement as required in this  
3 article, pay a filing fee as follows:

4 ~~(a)~~ (1) A candidate for president of the United States, for vice president of the United  
5 States, for United States Senator, for member of the United States House of Representatives, for  
6 Governor and for all other state elective offices shall pay a fee equivalent to one percent of the  
7 annual salary of the office for which the candidate announces: *Provided*, That the filing fee for any  
8 candidate for president or vice president of the United States shall not exceed \$2,500  
9 commencing with the 2004 filing period;

10 ~~(b)~~ (2) A candidate for the office of judge of a circuit court and judge of a family court shall  
11 pay a fee equivalent to one percent of the total annual salary of the office for which the candidate  
12 announces;

13 ~~(c)~~ (3) A candidate for member of the House of Delegates shall pay a fee of one-half  
14 percent of the total annual salary of the office and a candidate for state Senator shall pay a fee of  
15 one percent of the total annual salary of the office;

16 ~~(d)~~ (4) A candidate for sheriff, prosecuting attorney, circuit clerk, county clerk, assessor,  
17 member of the county commission and magistrate shall pay a fee equivalent to one percent of

18 the annual salary, excluding any additional compensation or commission of the office for which  
19 the candidate announces. A candidate for county board of education shall pay a fee of \$25. A  
20 candidate for any other county office shall pay a fee of \$10;

21 (e) (5) Delegates to the national convention of any political party shall pay the following  
22 filing fees:

23 (A) A candidate for delegate-at-large shall pay a fee of \$20; and

24 (B) A candidate for delegate from a congressional district shall pay a fee of \$10;

25 (f) (6) Candidates for members of political executive committees and other political  
26 committees shall pay the following filing fees:

27 (A) A candidate for member of a state executive committee of any political party shall pay  
28 a fee of \$20;

29 (B) A candidate for member of a county executive committee of any political party shall  
30 pay a fee of \$10; and

31 (C) A candidate for member of a congressional, senatorial or delegate district committee  
32 of any political party shall pay a fee of \$5.

33 ~~(b) Candidates filing for an office to be filled by the voters of one county shall pay the filing~~  
34 ~~fee to the clerk of the county commission and candidates filing for an office to be filled by the~~  
35 ~~voters of more than one county shall pay the filing fee to the Secretary of State election official~~  
36 ~~with whom the certificate of announcement is filed according to the provisions of section seven of~~  
37 ~~this article at the time of filing their certificates of announcement and no certificate of~~  
38 ~~announcement shall be received until the filing fee is paid.~~

39 (c) All moneys received by the clerk from the fees shall be credited to the general county  
40 fund. Moneys received by the Secretary of State from fees paid by candidates for offices to be  
41 filled by all the voters of the state shall be deposited in a special fund for that purpose and shall  
42 be apportioned and paid by him or her to the several counties on the basis of population and that  
43 received from candidates from a district or judicial circuit of more than one county shall be

44 apportioned to the counties comprising the district or judicial circuit in like manner. When such  
 45 moneys are received by sheriffs, it shall be credited to the general county fund. Moneys received  
 46 by the Secretary of State from fees paid by candidates for judicial or legislative offices to be filled  
 47 by the voters of one county shall be apportioned to the county in which the boundaries of the  
 48 district lie.

**ARTICLE 8. REGULATION AND CONTROL OF ELECTION.**

**§3-8-5b. Where financial statements shall be filed; filing date prescribed.**

1 (a) The financial statements provided ~~for~~ in this article shall be filed, by or on behalf of  
 2 candidates, with:

3 (1) The Secretary of State for legislative offices, circuit judge and family court judge and  
 4 for statewide and other offices to be nominated or elected by the voters of a political division  
 5 greater than a county;

6 (2) The clerk of the county commission by candidates for offices to be nominated or  
 7 elected by the voters of a single county or a political division within a single county except circuit  
 8 judge and family court judge; or

9 (3) The proper municipal officer by candidates for office to be nominated or elected to  
 10 municipal office.

11 (b) The statements may be filed by mail, in person, or by facsimile or other electronic  
 12 means of transmission: *Provided*, That the financial statements filed by or on behalf of candidates  
 13 for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of  
 14 Agriculture and Supreme Court of Appeals shall be filed electronically by the means of an Internet  
 15 program to be established by the Secretary of State.

16 (c) Committees required to report electronically may apply to the State Election  
 17 Commission for an exemption from mandatory electronic filing in the case of hardship. An  
 18 exemption may be granted at the discretion of the State Election Commission.

19 (d) For purposes of this article, the filing date of a financial statement shall, in the case of

20 mailing, be the date of the postmark of the United States Postal Service, and in the case of hand  
21 delivery or delivery by facsimile or other electronic means of transmission, the date delivered to  
22 the office of the Secretary of State or to the office of the clerk of the county commission, in  
23 accordance with the provisions of subsection (a) of this section, during regular business hours of  
24 such office.

25 (e) The sworn financial statements required to be filed by this section with the Secretary  
26 of State shall be posted on the Internet by the Secretary of State within ten business days from  
27 the date the financial statement was filed.

NOTE: The purpose of this bill is to require campaign finance statements by all candidates for circuit or family court judge to be filed with the Secretary of State and to clarify that filing fees paid to the Secretary of State for offices whose district lie within the borders of one county are to be apportioned to such county.

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