

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4096

BY DELEGATES KUMP, HOUSEHOLDER, D. KELLY,
SUMMERS, SYPOLT, MANDT, J. JEFFRIES, BIBBY, STEELE,
HARDY AND FAST

[Introduced January 10, 2020; Referred to the
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §3-1-2b, relating to requiring all candidates for office to have their principal
3 place of residence within the election districts for which they are seeking office; defining
4 terms; and setting forth facts which can be used to establish principal residence or
5 domicile.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-2b. Candidates must reside in the district they seek to represent.

1 A candidate for election for any state, county, or local office is required to have his or her
2 principal residence within the election district for the office for which they are seeking to be
3 elected. For the purpose of this section, "principal residence" means the residence where the
4 candidate is domiciled which includes both physical residency and an intent to remain in the state,
5 district, county, or municipality. Facts that may demonstrate the domicile or principal residence
6 of a person in the state, county, or municipality include, but are not limited to, the physical
7 character of the person's residence(s); the person's time spent in the residence; the person's
8 reasons for residency; whether the person intends on returning permanently to another residence
9 outside of the state, district, county, or municipality in the future; whether the person obtains a
10 license to operate a vehicle in the state; whether the person registers a vehicle(s) or other property
11 at that address; the address listed on the person's vehicle registration card; the address listed on
12 the person's voter registration card; the address listed on the person's driver's license; the
13 address where the person receives state or federal benefits; and, where the person pays property
14 or income taxes.

NOTE: The purpose of this bill is to require candidates to live in the state or local election district for the office for which they are seeking to be elected.

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