

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4428

By Delegates Kump, Hite, Mallow, Ward, Zatezalo,
Hillenbrand, Fast, C. Pritt, Marple and Kimble

[Introduced January 10, 2024; 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 elected.
 3 For the purpose of this section, "principal residence" means the residence where the candidate is
 4 domiciled which includes both physical residency and an intent to remain in the state, district,
 5 county, or municipality. Facts that may demonstrate the domicile or principal residence of a person
 6 in the state, county, or municipality include, but are not limited to, the physical character of the
 7 person's residence(s); the person's time spent in the residence; the person's reasons for
 8 residency; whether the person intends on returning permanently to another residence outside of
 9 the state, district, county, or municipality in the future; whether the person obtains a license to
 10 operate a vehicle in the state; whether the person registers a vehicle(s) or other property at that
 11 address; the address listed on the person's vehicle registration card; the address listed on the
 12 person's voter registration card; the address listed on the person's driver's license; the address
 13 where the person receives state or federal benefits; and, where the person pays property or
 14 income taxes. The Office of the West Virginia Secretary of State shall provide the initial
 15 adjudication of claims contesting candidate residency eligibility.

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.