

1 **ENROLLED**

2 **H. B. 4403**

3  
4 (By Delegates Miley, Manchin, Lawrence  
5 and Fleischauer)

6 [By request of Secretary of State]

7 [Passed March 9, 2012; in effect ninety days from passage.]

**FISCAL  
NOTE**

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10 AN ACT to amend and reenact §3-6-4a of the Code of West Virginia,  
11 1931, as amended, relating to changing the filing deadline for  
12 certified write-in candidates; and removing language that  
13 conflicts with other sections of the code relating to the  
14 filling of vacancies.

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

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

18 **ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.**

19 **§3-6-4a. Filing requirements for write-in candidates.**

20 Any eligible person who seeks to be elected by write-in votes  
21 to an office, except delegate to national convention, which is to  
22 be filled in a primary, general or special election held under the  
23 provisions of this chapter, shall file a write-in candidate's  
24 certificate of announcement as provided in this section. No

1 certificate of announcement may be accepted and no person may be  
2 certified as a write-in candidate for a political party nomination  
3 for any office or for election as delegate to national convention.

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

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

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

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

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

19 (5) The words "subscribed and sworn to before me this \_\_\_\_\_  
20 day of \_\_\_\_\_, \_\_\_\_" and a space for the signature of the  
21 officer giving the oath.

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

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

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

7 (2) When a vacancy occurs in the nomination of candidates for  
8 an office on the ballot resulting from the death of the nominee or  
9 from the disqualification or removal of a nominee from the ballot  
10 by a court of competent jurisdiction not earlier than the forty-  
11 eighth day nor later than the fifth day before the general  
12 election, the certificate shall be received no later than the close  
13 of business on the fifth day before the election or the close of  
14 business on the day following the occurrence of the vacancy,  
15 whichever is later.

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17 (d) Any eligible person who files a completed write-in  
18 candidate's certificate of announcement with the proper filing  
19 officer within the required time shall be certified by that filing  
20 officer as an official write-in candidate:

21 (1) The Secretary of State shall, immediately following the  
22 filing deadline, post the names of all official write-in candidates  
23 for offices on the ballot in more than one county and certify the  
24 name of each official write-in candidate to the clerks of the

1 county commissions of the appropriate counties.

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