

1 **H. B. 4464**

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3 (By Delegates Armstead, Ashley, Ireland,
4 Anderson, Walters, Storch, Canterbury,
5 Hamilton, Evans, Border and Snuffer)

6 [Introduced February 8, 2012; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §6-5-5 of the Code of West Virginia,
11 1931, as amended, relating to matters affecting the right to
12 hold office; and the disqualification of persons convicted of
13 treason, felony or bribery from holding public office.

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

15 That §6-5-5 of the Code of West Virginia, 1931, as amended, be
16 amended and reenacted to read as follows:

17 **ARTICLE 5. TERMS OF OFFICE; MATTERS AFFECTING THE RIGHT TO HOLD**
18 **OFFICE.**

19 **§6-5-5. Disqualification by conviction of treason, felony, or**
20 **bribery.**

21 (a) The Legislature hereby finds that the holding of an
22 elective office is a public trust and that the integrity and
23 honesty of those elected to serve the citizens of West Virginia in
24 an elective office at all levels is a paramount concern and is

1 essential for the maintenance of the confidence of our citizens in
2 the operation of an effective representative government. The State
3 of West Virginia has a compelling interest in advancing and
4 maintaining confidence in the integrity and honesty of those
5 holding elective office and ensuring that the electoral process of
6 the state promotes this goal.

7 (1) Section 1, Article IV of the Constitution of West Virginia
8 clearly reflects the intent of the framers to ensure that those who
9 demonstrate a total disregard for the laws of our state by
10 treasonous or felonious conduct or bribery during an election shall
11 forfeit their rights to participate as a voter in the electoral
12 process.

13 (2) The interest of the State of West Virginia in ensuring
14 that those convicted of treason, felony or bribery in an election
15 are not elevated to positions of trust and confidence as elected
16 officials is even more crucial and compelling than the interest of
17 the state in ensuring that those who engage in such conduct not be
18 permitted to vote.

19 (b) In order to advance the compelling state interest of
20 promoting and strengthening the faith and confidence of the people
21 of this state in their elected officials by preventing those who
22 have demonstrated an utter disregard for the law from seeking and
23 obtaining positions of trust as elected officials, no person
24 convicted of treason, felony or bribery in any election, before any

1 court in or out of this state, ~~shall, while~~ unless such the
2 conviction ~~remains unreversed,~~ thereof has been either overturned
3 or that person has been pardoned of the offense, may be eligible to
4 be elected or appointed to or to serve in any office under the laws
5 of this state; and, if any person, while holding ~~such the~~ office,
6 ~~be~~ is so convicted, the office shall be thereby vacated.

NOTE: The purpose of this bill is to ensure that persons convicted of felony, treason and bribery in an election are not allowed to run for any elective office, nor hold any appointive office.

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