

**Senate Bill No. 35**

(By Senators Williams and Sypolt)

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[Introduced February 13, 2013; referred to the Committee on the  
Judiciary; and then to the Committee on Finance.]

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**FISCAL  
NOTE**

A BILL to amend and reenact §3-6-4a of the Code of West Virginia,  
1931, as amended, relating to elections; requiring write-in  
candidates for public office to pay a filing fee for the  
office sought; and providing for distribution of the fee in  
the same manner as other candidates.

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

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

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

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

Any eligible person who seeks to be elected by write-in votes  
to an office, except delegate to national convention, which is to  
be filled in a primary, general or special election held under the  
provisions of this chapter, shall file a write-in candidate's

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

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

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

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

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

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

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

23 (6) A filing fee equal to twenty-five percent of the amount  
24 required by the provisions of section eight, article five of this

1 chapter for the particular office sought by the write-in candidate.  
2 All fees collected from write-in candidates shall be distributed in  
3 the same manner as provided by the provisions of section eight,  
4 article five of this chapter.

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

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

10 (1) Except as provided in subdivision (2) of this subsection,  
11 the certificate of announcement for any office shall be received no  
12 later than the close of business on the forty-ninth day before the  
13 election at which the office is to be filled.

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

23 (d) Any eligible person who files a completed write-in  
24 candidate's certificate of announcement with the proper filing

1 officer within the required time shall be certified by that filing  
2 officer as an official write-in candidate.

3       (1) The Secretary of State shall, immediately following the  
4 filing deadline, post the names of all official write-in candidates  
5 for offices on the ballot in more than one county and certify the  
6 name of each official write-in candidate to the clerks of the  
7 county commissions of the appropriate counties.

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

NOTE: The purpose of this bill is to require write-in candidates for public office to pay a filing fee for the office sought and to provide for distribution of the fee in the same manner as other candidates.

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