

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 119**

BY SENATOR ROMANO

[Introduced January 8, 2020; referred  
to the Committee on Government Organization; and  
then to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to  
2 creating an online voters' guide; requiring all information in the certificate of  
3 announcement; permitting candidates running for statewide office to submit a personal  
4 statement; directing the State Election Committee to create the guide; and requiring the  
5 Secretary of State post the voters' guide on its website.

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

## **ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.**

### **§3-5-7. Filing certificates of announcements of candidacies; requirements; withdrawal of candidates when section applicable.**

1 (a) Any person who is eligible and seeks to hold an office or political party position to be  
2 filled by election in any primary or general election held under the provisions of this chapter shall  
3 file a certificate of announcement declaring his or her candidacy for the nomination or election to  
4 the office.

5 (b) The certificate of announcement shall be filed as follows:

6 (1) Candidates for the House of Delegates, the State Senate, circuit judge, family court  
7 judge, and any other office or political position to be filled by the voters of more than one county  
8 shall file a certificate of announcement with the Secretary of State.

9 (2) Candidates for an office or political position to be filled by the voters of a single county  
10 or a subdivision of a county, except for candidates for the House of Delegates, State Senate,  
11 circuit judge or family court judge, shall file a certificate of announcement with the clerk of the  
12 county commission.

13 (3) Candidates for an office to be filled by the voters of a municipality shall file a certificate  
14 of announcement with the recorder or city clerk.

15 (c) The certificate of announcement shall be filed with the proper officer not earlier than  
16 the second Monday in January before the primary election day and not later than the last Saturday  
17 in January before the primary election day and must be received before midnight, eastern

18 standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service  
19 before that hour. This includes the offices of justice of the Supreme Court of Appeals, circuit court  
20 judge, family court judge and magistrate, which are to be filled on a nonpartisan and division basis  
21 at the primary election: *Provided*, That on the final day of a political filing period, the office of the  
22 Secretary of State shall be open from 9:00 a.m. until 11:59 p.m. The offices of the county clerk  
23 in all counties of the state shall be open on that final day of a political filing period from 9:00 a.m.  
24 until 12:00 p.m.

25 (d) The certificate of announcement shall be on a form prescribed by the Secretary of  
26 State on which the candidate shall make a sworn statement before a notary public or other officer  
27 authorized to administer oaths, ~~containing~~ and must contain the following information:

28 (1) The date of the election in which the candidate seeks to appear on the ballot;

29 (2) The name of the office sought; the district, if any; and the division, if any;

30 (3) The legal name of the candidate and the exact name the candidate desires to appear  
31 on the ballot, subject to limitations prescribed in §3-5-13 of this code;

32 (4) The county of residence and a statement that the candidate is a legally qualified voter  
33 of that county; and the magisterial district of residence for candidates elected from magisterial  
34 districts or under magisterial district limitations;

35 (5) The specific address designating the location at which the candidate resides at the  
36 time of filing, including number and street or rural route and box number and city, state, and zip  
37 code;

38 (6) A telephone number, e-mail address, and web address for the candidate's website or  
39 social media accounts, if available;

40 (7) For candidates for Governor, Attorney General, Auditor, Commissioner of Agriculture,  
41 Secretary of State, Treasurer, and Supreme Court of Appeals, a personal statement, not to  
42 exceed 500 words in length, outlining the candidate's relevant educational, professional, civic and  
43 community service for the office sought;

44           ~~(6)~~ (8) For partisan elections, the name of the candidate’s political party and a statement  
45 that the candidate: (A) Is a member of and affiliated with that political party as evidenced by the  
46 candidate’s current registration as a voter affiliated with that party; and (B) has not been registered  
47 as a voter affiliated with any other political party for a period of 60 days before the date of filing  
48 the announcement;

49           ~~(7)~~ (9) For candidates for delegate to national convention, the name of the presidential  
50 candidate to be listed on the ballot as the preference of the candidate on the first convention  
51 ballot; or a statement that the candidate prefers to remain “uncommitted”;

52           ~~(8)~~ (10) A statement that the person filing the certificate of announcement is a candidate  
53 for the office in good faith;

54           ~~(9)~~ (11) The words “subscribed and sworn to before me this \_\_\_\_\_ day of  
55 \_\_\_\_\_, 20\_\_\_\_” and a space for the signature of the officer giving the oath.

56           (e) The State Election Commission shall use the information provided pursuant to  
57 subsection (d) of this section to prepare a voters’ guide for the general public. Copies of the guide  
58 shall be posted on the website of the Secretary of State, as soon as may be practical.

59           ~~(e)~~ (f) The Secretary of State or the board of ballot commissioners, as the case may be,  
60 may refuse to certify the candidacy or may remove the certification of the candidacy upon receipt  
61 of a certified copy of the voter’s registration record of the candidate showing that the candidate  
62 was registered as a voter in a party other than the one named in the certificate of announcement  
63 during the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a  
64 signed formal complaint of violation of this section and the certified copy of the voter’s registration  
65 record of the candidate are filed with the officer receiving that candidate’s certificate of  
66 announcement no later than 10 days following the close of the filing period, the candidate may  
67 not be refused certification for this reason.

68           ~~(f)~~ (g) The certificate of announcement shall be subscribed and sworn to by the candidate  
69 before some officer qualified to administer oaths, who shall certify the same. Any person who

70 knowingly provides false information on the certificate is guilty of false swearing and shall be  
71 punished in accordance with §3-9-3 of this code.

72 ~~(g)~~ (h) Any candidate for delegate to a national convention may change his or her  
73 statement of presidential preference by notifying the Secretary of State by letter received by the  
74 Secretary of State no later than the third Tuesday following the close of candidate filing. When  
75 the rules of the political party allow each presidential candidate to approve or reject candidates  
76 for delegate to convention who may appear on the ballot as committed to that presidential  
77 candidate, the presidential candidate or the candidate's committee on his or her behalf may file a  
78 list of approved or rejected candidates for delegate and the Secretary of State shall list as  
79 "uncommitted" any candidate for delegate who is disapproved by the presidential candidate.

80 ~~(h)~~ (i) A person may not be a candidate for more than one office or office division at any  
81 election: *Provided*, That a candidate for an office may also be a candidate for President of the  
82 United States, for membership on political party executive committees or for delegate to a political  
83 party national convention: *Provided*, That an unsuccessful candidate for a nonpartisan office in  
84 an election held concurrently with the primary election may be appointed under the provisions of  
85 section 19 of this article to fill a vacancy on the general ballot.

86 ~~(i)~~ (j) A candidate who files a certificate of announcement for more than one office or  
87 division and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior  
88 to the close of the filing period may not be certified by the Secretary of State or placed on the  
89 ballot for any office by the board of ballot commissioners.

NOTE: The purpose of this bill is to establish an accessible online voters' guide on the Secretary of State's website. The guide would be created by the State Election Commission using information provided on certificates of announcement. Candidates for statewide office would be eligible to submit a personal statement in addition to other information required on the certificate of announcement.

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