

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4428**

By Delegates Kump, Hite, Mallow, Ward, Zatezalo,

Hillenbrand, Fast, C. Pritt, Marple and Kimble

[Originating in the Committee on the Judiciary,

January 16, 2024]



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; setting forth facts which can be used to establish principal residence or domicile,  
5 and providing an exception.

*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 provisions of this section shall not apply to candidates for the office of Judge of  
15 a Circuit Court, Judge of a Family Court, or, for the office of Prosecuting Attorney.

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.