

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 509

By Senator Tarr

[Introduced on January 23, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend §3-5-3 of the Code of West Virginia, 1931, as amended, relating to eligibility for
2 persons seeking to be certified as a nominee for President of the United States if the
3 United States House of Representatives has authorized an impeachment inquiry into such
4 person by resolution approved by the House of Representatives and the inquiry has not
5 been finally resolved; and providing a sunset provision.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-3. Presidential preference.

1 (a) In presidential election years, in addition to the candidates required to be nominated at
2 the primary election, the qualified voters of each political party shall have the opportunity of voting
3 for their choice among those aspiring to be the candidates of their respective parties for president
4 of the United States. The names of such aspirants shall be printed on the official election ballot of
5 their respective parties, as provided in section thirteen of this article, upon the filing with the
6 Secretary of State of the certificate of announcement as provided in section seven of this article
7 and the filing fee or petition in lieu of filing fee as provided in sections eight and eight-a of this
8 article, and the ballot shall be marked and the vote shall be counted, canvassed and returned
9 under the same conditions as to names, certificates and other matters, as the names and
10 certificates of the party aspirants for the party nomination for the office of Governor.

11 (b) No person shall be eligible to be certified by the Secretary of State as a nominee for
12 president of the United States if the United States House of Representatives has formally
13 authorized an impeachment inquiry under Article I, Section 2 of the United States Constitution into
14 such person by resolution approved by the House of Representatives and the inquiry has not been
15 finally resolved.

16 (c) The provisions of this section prohibiting certification of candidacy by the Secretary of
17 State from certifying any person subject to a formal impeachment inquiry by the United States
18 House of Representatives shall sunset, expire, and be of no force and effect on or after January

19 31, 2025.

NOTE: The purpose of this bill is to clarify eligibility for persons seeking to be certified as a nominee for President of the United States if the United States House of Representatives has authorized an impeachment inquiry into such person by resolution approved by the House of Representatives and the inquiry has not been finally resolved; and provide a sunset provision.

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