

SB 190 S

FILED

2004 FEB -3 A 10: 08

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*Regular Session, 2004*

**ENROLLED**

SENATE BILL NO. 190

(By Senator Kessler, et al)

PASSED January 23, 2004

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

## **Senate Bill No. 190**

(BY SENATORS KESSLER, HELMICK, UNGER, EDGELL, PREZIOSO,  
OLIVERIO, SNYDER, BAILEY, SHARPE, PLYMALE, MCCABE,  
ROSS, BOWMAN, CHAFIN, CALDWELL, DEMPSEY, HUNTER,  
MINARD, ROWE AND FANNING)

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[Passed January 23, 2004; in effect from passage.]

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AN ACT to amend and reenact §3-5-8 of the code of West Virginia, 1931, as amended, relating to altering the amount of presidential and vice presidential certificate of announcement filing fees.

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

That §3-5-8 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§3-5-8. Filing fees and their disposition.**

1 Every person who becomes a candidate for nomination  
2 for or election to office in any primary election shall, at the  
3 time of filing the certificate of announcement as required  
4 in this article, pay a filing fee as follows:

5 (a) A candidate for president of the United States, for  
6 vice president of the United States, for United States  
7 senator, for member of the United States House of Repre-

8    representatives, for governor and for all other state elective  
9    offices shall pay a fee equivalent to one percent of the  
10   annual salary of the office for which the candidate an-  
11   nounces: *Provided*, That the filing fee for any candidate for  
12   president or vice president of the United States shall not  
13   exceed two thousand five hundred dollars commencing  
14   with the two thousand four filing period;

15       (b) A candidate for the office of judge of a circuit court  
16   and judge of a family court shall pay a fee equivalent to  
17   one percent of the total annual salary of the office for  
18   which the candidate announces;

19       (c) A candidate for member of the House of Delegates  
20   shall pay a fee of one-half percent of the total annual  
21   salary of the office and a candidate for state senator shall  
22   pay a fee of one percent of the total annual salary of the  
23   office;

24       (d) A candidate for sheriff, prosecuting attorney, circuit  
25   clerk, county clerk, assessor, member of the county com-  
26   mission and magistrate shall pay a fee equivalent to one  
27   percent of the annual salary of the office for which the  
28   candidate announces. A candidate for county board of  
29   education shall pay a fee of twenty-five dollars. A candi-  
30   date for any other county office shall pay a fee of ten  
31   dollars;

32       (e) Delegates to the national convention of any political  
33   party shall pay the following filing fees:

34       A candidate for delegate-at-large shall pay a fee of  
35   twenty dollars; and a candidate for delegate from a  
36   congressional district shall pay a fee of ten dollars;

37       (f) Candidates for members of political executive com-  
38   mittees and other political committees shall pay the  
39   following filing fees:

40       A candidate for member of a state executive committee  
41   of any political party shall pay a fee of twenty dollars; a

42 candidate for member of a county executive committee of  
43 any political party shall pay a fee of ten dollars; and a  
44 candidate for member of a congressional, senatorial or  
45 delegate district committee of any political party shall pay  
46 a fee of five dollars.

47 Candidates filing for an office to be filled by the voters  
48 of one county shall pay the filing fee to the clerk of the  
49 circuit court and candidates filing for an office to be filled  
50 by the voters of more than one county shall pay the filing  
51 fee to the secretary of state at the time of filing their  
52 certificates of announcement and no certificate of an-  
53 nouncement shall be received until the filing fee is paid.

54 All moneys received by such clerk from such fees shall be  
55 credited to the general county fund. Moneys received by  
56 the secretary of state from fees paid by candidates for  
57 offices to be filled by all the voters of the state shall be  
58 deposited in a special fund for that purpose and shall be  
59 apportioned and paid by him to the several counties on the  
60 basis of population and that received from candidates from  
61 a district or judicial circuit of more than one county shall  
62 be apportioned to the counties comprising the district or  
63 judicial circuit in like manner. When such moneys are  
64 received by sheriffs, it shall be credited to the general  
65 county fund.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Larry D. ...*  
.....  
Chairman Senate Committee

*Sharon Spencer*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Harold ...*  
.....  
Clerk of the Senate

*Buzz ...*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Robert Stiss*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *31<sup>st</sup>* .....  
Day of *February* ....., 2004.

*Bob Wise*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 1/20/04

Time 11:55 AM