

1 **H. B. 2845**

2
3 (By Delegates Armstead, Cowles, Faircloth, Rowan, Howell,
4 Frich, Ellem, Anderson, Border, Hamilton and Cooper)

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6 [Introduced March 6, 2013; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §6-5-5 of the Code of West Virginia,
11 1931, as amended, relating to matters affecting the right to
12 hold office; and the disqualification of persons convicted of
13 treason, felony or bribery from holding public office.

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

15 That §6-5-5 of the Code of West Virginia, 1931, as amended, be
16 amended and reenacted to read as follows:

17 **ARTICLE 5. TERMS OF OFFICE; MATTERS AFFECTING THE RIGHT TO HOLD**
18 **OFFICE.**

19 **§6-5-5. Disqualification by conviction of treason, felony or**
20 **bribery.**

21 (a) The Legislature finds that the holding of an elective
22 office is a public trust and that the integrity and honesty of
23 those elected to serve the citizens of West Virginia in an elective
24 office at all levels is a paramount concern and is essential for
25 the maintenance of the confidence of our citizens in the operation

1 of an effective representative government. The State of West
2 Virginia has a compelling interest in advancing and maintaining
3 confidence in the integrity and honesty of those holding elective
4 office and ensuring that the electoral process of the state
5 promotes this goal.

6 (1) Section 1, Article IV of the Constitution of West Virginia
7 clearly reflects the intent of the framers to ensure that those who
8 demonstrate a total disregard for the laws of our state by
9 treasonous or felonious conduct or bribery during an election
10 forfeit their rights to participate as a voter in the electoral
11 process.

12 (2) The interest of the State of West Virginia in ensuring
13 that those convicted of treason, felony or bribery in an election
14 are not elevated to positions of trust and confidence as elected
15 officials is even more crucial and compelling than the interest of
16 the state in ensuring that those who engage in that conduct not be
17 permitted to vote.

18 (b) In order to advance the compelling state interest of
19 promoting and strengthening the faith and confidence of the people
20 of this state in their elected officials by preventing those who
21 have demonstrated an utter disregard for the law from seeking and
22 obtaining positions of trust as elected officials, no person
23 convicted of treason, felony or bribery in any election, before any
24 court in or out of this state, ~~shall, while such~~ unless the

1 conviction ~~remains unreversed, be~~ has been either overturned or the
2 person has been pardoned of the offense, is eligible to be elected
3 or appointed to or to serve in any office under the laws of this
4 state; and, if any person, while holding ~~such~~ the office, ~~be~~ is so
5 convicted, the office shall be ~~thereby~~ vacated.

NOTE: The purpose of this bill is to ensure that persons convicted of felony, treason and bribery in an election are not allowed to run for any elective office, nor hold any appointive office.

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