

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 553**

5 (By Senators Edgell, Fitzsimmons, Cookman, Yost and Beach)

6 _____
7 [Originating in the Committee on the Judiciary;
8 reported February 19, 2014.]
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10
11 A BILL to amend and reenact §3-5-24 of the Code of West Virginia,
12 1931, as amended, relating to certificates of nomination for
13 elected office; stating filing deadlines for certificates of
14 nomination; declaring location where certificates of
15 nomination must be filed; clarifying with whom the
16 certificates are filed and to whom the fees are to be paid;
17 prohibiting untimely filings or untimely fee payment; and
18 clarifying that this section does not apply to nonpartisan
19 elections.

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

21 That §3-5-24 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted to read as follows:

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

24 **§3-5-24. Filing of nomination certificates; time; location; fees;**
25 **effect of failure to timely file or pay fee.**

1 (a) All certificates nominating candidates for office under
2 ~~the preceding~~ section twenty-three of this article shall be filed
3 not later than August 1 preceding the November general election:
4 Provided, That for municipal or other elections not held in
5 conjunction with regular state and county general elections,
6 certificates shall be filed not later than ninety days before the
7 date of the election, unless otherwise provided by charter,
8 ordinance or code.

9 (b) The nomination certificate required by this section and
10 section twenty-three of this article shall be filed:

11 (1) In ~~in~~ the case of a candidate to be voted for by the
12 voters of the entire state or by any subdivision of the state other
13 than a single county, with the Secretary of State; ~~and in~~

14 (2) In the case of all candidates for county and magisterial
15 district offices, including all offices to be filled by the voters
16 of a single county, with the clerk of the county commission; and

17 (3) In the case of candidates for election in a municipality,
18 with the recorder or other official designated by charter or
19 ordinance to perform election responsibilities. ~~not later than~~
20 August 1 preceding the general election.

21 ~~(b)~~ (c) Each candidate shall pay the filing fee required by
22 section eight of this article, at the time of the filing of the
23 nomination certificate.

24 (d) If any nomination certificate is not timely filed or if
25 the filing fee is not timely paid, the certificate may not be
26 received by the Secretary of State, ~~or by~~ the clerk of the county

1 commission or the recorder or other official designated by charter
2 or ordinance to perform municipal election responsibilities, as the
3 case may be.

4 (e) This section is inapplicable to nonpartisan elections.