

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 553**

5 (SENATORS EDGELL, FITZSIMMONS, COOKMAN, YOST AND BEACH, *original*
6 *sponsors*)

7 _____
8 [Passed March 8, 2014; in effect ninety days from passage.]
9 _____

10
11 AN ACT 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 section twenty-three of this article shall be filed not later than
3 August 1 preceding the November general election: *Provided*, That
4 for municipal or other elections not held in conjunction with
5 regular state and county general elections, certificates shall be
6 filed not later than ninety days before the date of the election,
7 unless otherwise provided by charter, ordinance or code.

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

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

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

16 (3) In the case of candidates for election in a municipality,
17 with the recorder or other official designated by charter or
18 ordinance to perform election responsibilities.

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

22 (d) If any nomination certificate is not timely filed or if
23 the filing fee is not timely paid, the certificate may not be
24 received by the Secretary of State, the clerk of the county
25 commission or the recorder or other official designated by charter
26 or ordinance to perform municipal election responsibilities, as the

1 case may be.

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