

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 553**

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

5 \_\_\_\_\_  
6 [Originating in the Committee on the Judiciary;

7 reported February 19, 2014.]  
8 \_\_\_\_\_

9  
10 A BILL to amend and reenact §3-5-24 of the Code of West Virginia,  
11 1931, as amended, relating to certificates of nomination for  
12 elected office; stating filing deadlines for certificates of  
13 nomination; declaring location where certificates of  
14 nomination must be filed; clarifying with whom the  
15 certificates are filed and to whom the fees are to be paid;  
16 and prohibiting untimely filings or untimely fee payment.

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

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

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

21 **§3-5-24. Filing of nomination certificates; time; location; fees;**  
22 **effect of failure to timely file or pay fee.**

23 (a) All certificates nominating candidates for office under  
24 ~~the preceding~~ section twenty-three of this article shall be filed  
25 not later than August 1 preceding the November general election:

1 Provided, That for municipal or other elections not held in  
2 conjunction with regular state and county general elections,  
3 certificates shall be filed not later than ninety days before the  
4 date of the election, unless otherwise provided by charter,  
5 ordinance or code.

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

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

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

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

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

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