

1 **H. B. 4465**

2
3 (By Delegates Hamilton, Anderson, Armstead,
4 Arvon, Border, Canterbury, Cooper, Cowles,
5 Miller, Romine and Westfall)

6 [Introduced February 11, 2014; 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 the disqualification of persons
12 convicted of treason, felony, or bribery from holding public
13 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

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

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

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

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

1 any court in or out of this state, ~~shall, while such~~ unless the
2 conviction ~~remains unreversed,~~ has been either overturned, or the
3 person has been pardoned of the offense, is eligible to be elected
4 or appointed to any office under the laws of this state. ~~and, if~~
5 ~~any~~ When a person, while holding such an elective or appointed
6 office, ~~be so~~ is convicted of treason, felony, or bribery in any
7 election, before any court in or out of this state, the person is
8 no longer eligible to hold the office and the office ~~shall be~~
9 thereby vacated becomes automatically vacant.

NOTE: The purpose of this bill is to insure that persons convicted of felony, treason, and bribery in an election are not allowed to run for or hold any elective office or appointive office.

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