

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4710**

By Delegates Holstein, Funkhouser, Horst, and Kump

[Originating in the Committee on the Judiciary;

Reported on February 12, 2026]



20 Intermediate Court of Appeals, circuit court judge, family court judge and magistrate, which are to  
21 be filled on a nonpartisan and division basis at the primary election: *Provided*, That on the final day  
22 of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until  
23 11:59 p.m. The offices of the County Clerk in all counties of the state shall be open on that final day  
24 of a political filing period from 9:00 a.m. until 12:00 p.m.

25 (d) The certificate of announcement shall be on a form prescribed by the Secretary of State  
26 on which the candidate shall make a sworn statement before a notary public or other officer  
27 authorized to administer oaths, containing the following information:

28 (1) The date of the election in which the candidate seeks to appear on the ballot;

29 (2) The name of the office sought; the district, if any; and the division, if any;

30 (3) The legal name of the candidate and the exact name the candidate desires to appear  
31 on the ballot, subject to limitations prescribed in §3-5-13 of this code;

32 (4) The county of residence and a statement that the candidate is a legally qualified voter of  
33 that county; and the magisterial district of residence for candidates elected from magisterial  
34 districts or under magisterial district limitations;

35 (5) The specific address designating the location at which the candidate resides at the time  
36 of filing, including number and street or rural route and box number and city, state, and zip code;

37 (6) For partisan elections, the name of the candidate's political party, if any, on the date the  
38 certificate of announcement is submitted and a statement that the candidate:

39 (A) Is a member of and affiliated with that political party as evidenced by the candidate's  
40 current registration as a voter affiliated with that party, if any; and

41 (B) has not been registered as a voter affiliated with any other political party, or  
42 independent of any political party, for a period of ~~60~~ 180 days before the date of filing the  
43 announcement;

44 (7) For candidates for delegate to national convention, the name of the presidential  
45 candidate to be listed on the ballot as the preference of the candidate on the first convention ballot;

46 or a statement that the candidate prefers to remain "uncommitted";

47 (8) A statement that the person filing the certificate of announcement is a candidate for the  
48 office in good faith;

49 (9) The words "subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
50 20\_\_\_\_" and a space for the signature of the officer giving the oath.

51 (e) The Secretary of State or the board of ballot commissioners, as the case may be, may  
52 refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a  
53 certified copy of the voter's registration record of the candidate showing that the candidate was  
54 registered as a voter in a party other than the one named in the certificate of announcement during  
55 the ~~60~~ 180 days immediately preceding the filing of the certificate: *Provided*, That unless a signed  
56 formal complaint of violation of this section and the certified copy of the voter's registration record  
57 of the candidate are filed with the officer receiving that candidate's certificate of announcement no  
58 later than 10 days following the close of the filing period, the candidate may not be refused  
59 certification for this reason: *Provided, however*, That prior to accepting a Certificate of  
60 Announcement for filing for an office which is elected in a partisan election, the Secretary of  
61 State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a  
62 candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's  
63 current party affiliation is not as stated on the Certificate of Announcement, the filing shall be  
64 refused.

65 (f) The certificate of announcement shall be subscribed and sworn to by the candidate  
66 before some officer qualified to administer oaths, who shall certify the same. Any person who  
67 knowingly provides false information on the certificate is guilty of false swearing and shall be  
68 punished in accordance with §3-9-3 of this code.

69 (g) Any candidate for delegate to a national convention may change his or her statement of  
70 presidential preference by notifying the Secretary of State by letter received by the Secretary of  
71 State no later than the third Tuesday following the close of candidate filing. When the rules of the

72 political party allow each presidential candidate to approve or reject candidates for delegate to  
73 convention who may appear on the ballot as committed to that presidential candidate, the  
74 presidential candidate or the candidate's committee on his or her behalf may file a list of approved  
75 or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any  
76 candidate for delegate who is disapproved by the presidential candidate.

77 (h) A person may not be a candidate for more than one office or office division at any  
78 election: *Provided*, That a candidate for an office may also be a candidate for President of the  
79 United States, for membership on political party executive committees or for delegate to a political  
80 party national convention: *Provided, however*, That an unsuccessful candidate for a nonpartisan  
81 office in an election held concurrently with the primary election may be appointed under the  
82 provisions of section nineteen of this article to fill a vacancy on the general ballot.

83 (i) A candidate who files a certificate of announcement for more than one office or division  
84 and does not withdraw, as provided by §3-5-11 of this code, from all but one office prior to the close  
85 of the filing period may not be certified by the Secretary of State or placed on the ballot for any  
86 office by the board of ballot commissioners.

87 (j) The amendments to this section enacted by the Legislature in the 2024~~26~~ Regular  
88 Session are effective January 1, 2025~~7~~.

NOTE: The purpose of this bill is to expand the time limit on switching parties before the date of filing the announcement from 60 days to 180 days.

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