

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5217

**FISCAL
NOTE**

By Delegates Funkhouser, Hillenbrand, Moore,

Dittman, Akers, Holstein, and Heckert

[By Request of the Secretary of State]

[Introduced; referred

to the Committee on]

1 A BILL to amend and reenact §3-6-4a of the Code of West Virginia, 1931, as amended, relating to
2 write-in candidates; and providing for a filing fee for a write-in candidate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CONDUCT AND ADMINISTRATION OF ELECTIONS.

§3-6-4a. Filing requirements for write-in candidates.

1 Any eligible person who seeks to be elected by write-in votes to an office, except delegate
2 to national convention, which is to be filled in a primary, general or special election held under the
3 provisions of this chapter, shall file a write-in candidate's certificate of announcement as provided
4 in this section. No certificate of announcement may be accepted and no person may be certified as
5 a write-in candidate for a political party nomination for any office or for election as delegate to
6 national convention.

7 (a) The write-in candidate's certificate of announcement shall be in a form prescribed by
8 the Secretary of State on which the candidate shall make a sworn statement before a notary public
9 or other officer authorized to give oaths containing the following information:

10 (1) The name of the office sought and the district and division, if any;

11 (2) The legal name of the candidate and the first and last name by which the candidate may
12 be identified in seeking the office;

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

15 (4) A statement that the person filing the certificate of announcement is a candidate for the
16 office in good faith; and

17 (5) The words "subscribed and sworn to before me this _____ day of _____,
18 _____" and a space for the signature of the officer giving the oath.

19 (b) The certificate of announcement shall be filed with the filing officer for the political
20 division of the office as prescribed in section seven, article five of this chapter.

21 (c) The certificate of announcement shall be filed with and received by the proper filing

22 officer as follows:

23 (1) Except as provided in subdivision (2) of this subsection, the certificate of
24 announcement for any office shall be received no later than the close of business on the forty-ninth
25 day before the election at which the office is to be filled;

26 (2) When a vacancy occurs in the nomination of candidates for an office on the ballot
27 resulting from the death of the nominee or from the disqualification or removal of a nominee from
28 the ballot by a court of competent jurisdiction not earlier than the forty-eighth day nor later than the
29 fifth day before the general election, the certificate shall be received no later than the close of
30 business on the fifth day before the election or the close of business on the day following the
31 occurrence of the vacancy, whichever is later.

32 (3) All declared write-in candidates shall pay the filing fees that are required for the office at
33 the time they present the certificate of announcement to the filing officer.

34 (A) No filing fee shall be required for any write-in candidate completing an affidavit
35 requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income
36 and other resources for maintenance are found under assistance standards to be insufficient for
37 meeting the cost of his or her requirements and whose reserve of cash or other available
38 resources does not exceed the maximum available resources that an eligible individual may own.

39 (d) Any eligible person who files a completed write-in candidate's certificate of
40 announcement and pays the required fee with the proper filing officer within the required time shall
41 be certified by that filing officer as an official write-in candidate:

42 (1) The Secretary of State shall, immediately following the filing deadline, post the names
43 of all official write-in candidates for offices on the ballot in more than one county and certify the
44 name of each official write-in candidate to the clerks of the county commissions of the appropriate
45 counties.

46 (2) The clerk of the county commission shall, immediately following the filing deadline, post
47 the names of all official write-in candidates for offices on the ballot in one county and certify and

48 deliver to the election officials of the appropriate precincts, the names of all official write-in
49 candidates and the office sought by each for statewide, district and county offices on the ballot in
50 the precinct for which valid write-in votes will be counted and the names shall be posted at the
51 office where absentee voting is conducted and at the precincts in accordance with section twenty,
52 article one of this chapter.

NOTE: The purpose of this bill is to provide for a filing fee for a write-in candidate.

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