

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5226

By Delegates Funkhouser, Moore, Ridenour, Heckert,
and Martin

[Introduced February 05, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-5-8 of the Code of West Virginia, 1931, as amended, providing
2 that in no case may a fee paid under this section be returned to the candidate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-8. Filing fees and their disposition.

1 (a) Every person who becomes a candidate for nomination for or election to office in any
2 primary election shall, at the time of filing the certificate of announcement as required in this article,
3 pay a filing fee as follows:

4 (1) A candidate for president of the United States, for vice president of the United States,
5 for United States Senator, for member of the United States House of Representatives, for
6 Governor and for all other state elective offices shall pay a fee equivalent to one percent of the
7 annual salary of the office for which the candidate announces: *Provided*, That the filing fee for any
8 candidate for president or vice president of the United States shall not exceed \$2,500
9 commencing with the 2004 filing period;

10 (2) A candidate for the office of judge of a circuit court and judge of a family court shall pay
11 a fee equivalent to one percent of the total annual salary of the office for which the candidate
12 announces;

13 (3) A candidate for member of the House of Delegates shall pay a fee of one-half percent of
14 the total annual salary of the office and a candidate for state Senator shall pay a fee of one percent
15 of the total annual salary of the office;

16 (4) A candidate for sheriff, prosecuting attorney, circuit clerk, county clerk, assessor,
17 member of the county commission and magistrate shall pay a fee equivalent to one percent of the
18 annual salary, excluding any additional compensation or commission of the office for which the
19 candidate announces. A candidate for county board of education shall pay a fee of \$25. A
20 candidate for any other county office shall pay a fee of \$10;

21 (5) Delegates to the national convention of any political party shall pay the following filing

22 fees:

23 (A) A candidate for delegate-at-large shall pay a fee of \$20; and

24 (B) A candidate for delegate from a congressional district shall pay a fee of \$10;

25 (6) Candidates for members of political executive committees and other political
26 committees shall pay the following filing fees:

27 (A) A candidate for member of a state executive committee of any political party shall pay a
28 fee of \$20;

29 (B) A candidate for member of a county executive committee of any political party shall pay
30 a fee of \$10; and

31 (C) A candidate for member of a congressional, senatorial or delegate district committee
32 of any political party shall pay a fee of \$5.

33 (b) Candidates shall pay the filing fee to the election official with whom the certificate of
34 announcement is filed according to the provisions of section seven of this article at the time of filing
35 their certificates of announcement and no certificate of announcement shall be received until the
36 filing fee is paid.

37 (c) All moneys received by the clerk from the fees shall be credited to the general county
38 fund. Moneys received by the Secretary of State from fees paid by candidates for offices to be
39 filled by all the voters of the state shall be deposited in a special fund for that purpose and shall be
40 apportioned and paid by him or her to the several counties on the basis of population and that
41 received from candidates from a district or judicial circuit of more than one county shall be
42 apportioned to the counties comprising the district or judicial circuit in like manner. When such
43 moneys are received by sheriffs it shall be credited to the general county fund. Moneys received
44 by the Secretary of State from fees paid by candidates for judicial or legislative offices to be filled
45 by the voters of one county shall be apportioned to the county in which the boundaries of the
46 district lie.

47 (d) In no case may a fee paid under this section be returned to a candidate.

NOTE: The purpose of this bill is to provide that a candidate's filing fee is not refundable, even if the candidate withdraws from the race or does not make it onto the ballot.

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