

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5386

By Delegates Holstein and Pushkin

[Introduced February 10, 2026; referred to the Committee
on the Judiciary]

1 A BILL to amend §3-5-7 of the Code of West Virginia, 1931, as amended, providing that the
 2 Secretary of State and the county clerks shall provide candidate information for display on
 3 the Secretary of State’s website within five business days after receiving a certificate of
 4 announcement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PRIMARY ELECTIONS AND NOMINATING PROCEDURES.

§3-5-7. Filing certificates of announcement of candidacies; requirements; withdrawal of candidates when section is applicable.

1 (a) Any person who is eligible and seeks to hold an office or political party position to be
 2 filled by election in any primary or general election held under the provisions of this chapter shall
 3 file a certificate of announcement declaring his or her candidacy for the nomination or election to
 4 the office.

5 (b) The certificate of announcement shall be filed as follows:

6 (1) Candidates for the House of Delegates, the State Senate, circuit judge, family court
 7 judge, and any other office or political position to be filled by the voters of more than one county
 8 shall file a certificate of announcement with the Secretary of State.

9 (A) The Secretary of State shall prominently display a candidate’s information on the
 10 Secretary of State’s official website within five business days following the date of receiving a
 11 candidate’s certificate of announcement. The information displayed shall be:

12 (i) The candidate’s name;

13 (ii) The title of the office sought;

14 (iii) The district, magisterial district, division, or circuit of the office sought, if applicable;

15 (iv) The gender of the candidate, if applicable;

16 (v) The name of the candidate’s political party, if applicable;

17 (vi) The candidate’s residential city, county, and state; and

18 (vii) The date of receiving the candidate’s certificate of announcement.

19 (2) Candidates for an office or political position to be filled by the voters of a single county
20 or a subdivision of a county, except for candidates for the House of Delegates, State Senate,
21 circuit judge or family court judge, shall file a certificate of announcement with the clerk of the
22 county commission.

23 (A) The clerk of the county commission shall enter a candidate's information into the
24 Secretary of State's official candidate filing system or database within five business days following
25 the date of receiving a candidate's certificate of announcement. The information entered shall be:

26 (i) The candidate's name;

27 (ii) The title of the office sought;

28 (iii) The district, magisterial district, division, or circuit of the office sought, if applicable;

29 (iv) The gender of the candidate, if applicable;

30 (v) The name of the candidate's political party, if applicable;

31 (vi) The candidate's residential city, county, and state; and

32 (vii) The date of receiving the candidate's certificate of announcement.

33 (3) Candidates for an office to be filled by the voters of a municipality shall file a certificate
34 of announcement with the recorder or city clerk.

35 (c) The certificate of announcement shall be filed with the proper officer not earlier than the
36 second Monday in January before the primary election day and not later than the last Saturday in
37 January before the primary election day and must be received before midnight, eastern standard
38 time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that
39 hour. This includes the offices of Justice of the Supreme Court of Appeals, Judge of the
40 Intermediate Court of Appeals, circuit court judge, family court judge and magistrate, which are to
41 be filled on a nonpartisan and division basis at the primary election: *Provided*, That on the final day
42 of a political filing period, the office of the Secretary of State shall be open from 9:00 a.m. until
43 11:59 p.m. The offices of the County Clerk in all counties of the state shall be open on that final day
44 of a political filing period from 9:00 a.m. until 12:00 p.m.

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

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

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

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

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

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

57 (6) For partisan elections, the name of the candidate's political party on the date the
58 certificate of announcement is submitted and a statement that the candidate: (A) Is a member of
59 and affiliated with that political party as evidenced by the candidate's current registration as a voter
60 affiliated with that party; and (B) has not been registered as a voter affiliated with any other political
61 party for a period of 60 days before the date of filing the announcement;

62 (7) For candidates for delegate to national convention, the name of the presidential
63 candidate to be listed on the ballot as the preference of the candidate on the first convention ballot;
64 or a statement that the candidate prefers to remain "uncommitted";

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

67 (9) The words "subscribed and sworn to before me this _____ day of _____,
68 20____" and a space for the signature of the officer giving the oath.

69 (e) The Secretary of State or the board of ballot commissioners, as the case may be, may
70 refuse to certify the candidacy or may remove the certification of the candidacy upon receipt of a

71 certified copy of the voter's registration record of the candidate showing that the candidate was
72 registered as a voter in a party other than the one named in the certificate of announcement during
73 the 60 days immediately preceding the filing of the certificate: *Provided*, That unless a signed
74 formal complaint of violation of this section and the certified copy of the voter's registration record
75 of the candidate are filed with the officer receiving that candidate's certificate of announcement no
76 later than 10 days following the close of the filing period, the candidate may not be refused
77 certification for this reason: *Provided, however*, That prior to accepting a Certificate of
78 Announcement for filing for an office which is elected in a partisan election, the Secretary of
79 State's Office, clerk of the county commission, recorder or city clerk shall electronically verify a
80 candidate's current party affiliation as subscribed and sworn to by the candidate. If a candidate's
81 current party affiliation is not as stated on the Certificate of Announcement, the filing shall be
82 refused.

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

87 (g) Any candidate for delegate to a national convention may change his or her statement of
88 presidential preference by notifying the Secretary of State by letter received by the Secretary of
89 State no later than the third Tuesday following the close of candidate filing. When the rules of the
90 political party allow each presidential candidate to approve or reject candidates for delegate to
91 convention who may appear on the ballot as committed to that presidential candidate, the
92 presidential candidate or the candidate's committee on his or her behalf may file a list of approved
93 or rejected candidates for delegate and the Secretary of State shall list as "uncommitted" any
94 candidate for delegate who is disapproved by the presidential candidate.

95 (h) A person may not be a candidate for more than one office or office division at any
96 election: *Provided*, That a candidate for an office may also be a candidate for President of the

97 United States, for membership on political party executive committees or for delegate to a political
98 party national convention: *Provided, however,* That an unsuccessful candidate for a nonpartisan
99 office in an election held concurrently with the primary election may be appointed under the
100 provisions of section nineteen of this article to fill a vacancy on the general ballot.

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

105 (j) The amendments to this section enacted by the Legislature in the 2024 Regular Session
106 are effective January 1, 2025.

NOTE: The purpose of this bill is to require the Secretary of State and the county clerks to provide candidate information for display on the Secretary of State's website within five business days after receiving a certificate of announcement.

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